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ABSTRACT

The Office of Education convened the National Invitational Conference on Institutional Eligibility for the purpose of reviewing and analysing the issues surrounding eligibility for postsecondary educational institutions and programs. Some of the specific goals and purposes of the conference were to review and make recommendations concerning: (1) eligibility issues that relate to existing potential legislation; (2) issues raised, and recommendations made, in the following publications and statements: (a) "Private Accreditation and Public Eligibility" by Harold Orlans et al., (b) Office of Education statements on eligibility and accreditation presented before Congressional committees, (c) "Toward a Federal Strategy for Protection of the Consumer of Education," a report prepared by the Federal Interagency Committee on Education's Subcommittee on Educational Consumer Protection, and (d) addresses presented by the Commissioner of Education at education conferences; (3) the role and functions of the Advisory Committee on Accreditation and Institutional eligibility; (4) the role and functions of state approval agencies and recognized accrediting agencies relative to Federal eligibility needs. (Author)

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PROCEEDINGS OF THE

NATIONAL INVITATIONAL CONFERENCE

ON INSTITUTIONAL ELIGIBILITY

April 30 - May 2, 1975

Arlington, Virginia

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

Sponsored by the Office of Education,

United States Department of Health, Education, and Welfare

PROCEEDINGS OF THE NATIONAL INVITATIONAL CONFERENCE
ON INSTITUTIONAL ELIGIBILITY

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I. INTRODUCTION

The basic statutory and administrative provisions for determining institutional and program eligibility for a great many of the Federal funding programs designed to support postsecondary education were developed in 1958 with the passage of the National Defense Education Act. While this basic structure for institutional eligibility was undoubtedly adequate for the needs of the era in which it was developed, many changes have taken place during the past decade which bear upon the continued adequacy of our eligibility structure. Federal funding programs have become increasingly confronted by complex problems and issues, and there is an ever increasing need to insure that students, institutions, and Federal funding efforts are all protected against abuse. Furthermore, the universe of postsecondary education has changed considerably, with new needs and pressures shaping its future. With these numerous other considerations in mind, the Office of Education convened the National Invitational Conference on Institutional Eligibility for the purpose of reviewing and analyzing the issues surrounding eligibility for postsecondary educational institutions and programs.

Some of the more specific goals and purposes of the Conference were to review and make recommendations concerning:

1) Eligibility issues as these relate to existing potential legislation;
2) Issues raised, and recommendations made, in the following publications and statements--
   a) *Private Accreditation and Public Eligibility*, by Harold Orlans *et al*,
   b) Office of Education statements on eligibility and accreditation presented before Congressional committees,
   c) *Toward a Federal Strategy for Protection of the Consumer of Education*, a report prepared by the Federal Interagency Committee on Education's Subcommittee on Educational Consumer Protection, and
   d) Addresses presented by the Commissioner of Education at education conferences.
3) The role and functions of the Advisory Committee on Accreditation and Institutional Eligibility;
4) The role and functions of State approval agencies and recognized accrediting agencies relative to Federal eligibility needs.

These proceedings, which include the papers presented at the Conference opening and the reports of the seminar sessions, reflect the substance of the Conference. As the list of participants indicates, a distinguished, diverse and highly knowledgeable group of individuals gathered to participate in the Conference and to make it a marked success.

II. National Invitational Conference on Institutional Eligibility

CONFERENCE AGENDA

Wednesday, April 30

5:00 p.m. Registration

7:30 p.m. Opening General Session

Conference Chairman-Peter P. Muirhead

Announcements-John R. Proffitt

Presentation of Papers

"The Several Discrete Dimensions of Eligibility" - Richard A. Fulton

"Accrediting Issues in the Orlans Report" - Frank G. Dickey

"Can the States Help? A Question of Ability " - Joseph A. Clark

"The Advisory Committee on Accreditation and Institutional Eligibility" - John Anthony Brown

"Comments on the Recommendations of the Orlans Report" - Richard M. Millard

9:30 p.m. Discussion

Thursday, May 1

9:00 a.m. Second General Session

Chairman-Peter P. Muirhead

Address by the Honorable Terrel H. Bell, U.S. Commissioner of Education

Address by the Honorable Carl D. Perkins, Chairman, Committee on Education and Labor, House of Representatives.

10:15 a.m. Seminar Sessions

Seminar I

Chairman - A. D. Albright
Recorder - Kenneth Young

Seminar II

Chairwoman - Roma Brown
Recorder - Thomas J. Ginley

Seminar III

Chairman - Samuel P. Martin, M.D.
Recorder - Richard Bradley

Seminar IV

Chairman - N. Edd Miller
Recorder - William A. Hunter

Seminar V

Chairman - Frank A. Tredinnick
Recorder - Victor Hurst

12:00 Lunch

1:30 p.m. Third General Session

Chairman-Peter P. Muirhead

"The Student Perspective" - Layton Olson

"Postscript to a Study" - Harold Orlans

2:15 p.m. General Discussion

2:45 p.m. Seminar Sessions

5:00 p.m. Recess

8:00 p.m. Optional Seminar Sessions

Friday, May 2

9:00 a.m. Fourth General Session

Chairman-Peter P. Muirhead

Reports by Seminar Chairpersons

I. A. D. Albright
II. Roma Brown
III. Samuel P. Martin
IV. N. Edd Miller
V. Frank A. Tredinnick

10:30 a.m.
Reaction to Seminar Reports by Authors of Conference Papers

John Anthony Brown
Joseph A. Clark
Frank G. Dickey
Richard A. Fulton
Richard M. Millard

11:15 a.m. General Discussion

12:00 Closing Remarks by Conference Chairman, Peter P. Muirhead

12:15 p.m. Adjournment

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III. Issues in Institutional Eligibility

by Terrel H. Bell
U.S. Commissioner of Education

Ladies and gentlemen, I am glad to have this opportunity to talk with you briefly about a topic of growing interest to American education and one that deserves the kind of attention you will give to it during this first National Conference on Institutional Eligibility.

Considering the extent of its influence--on educational institutions, States, private organizations and associations, students, parents, and various departments and agencies of the Federal Government--it is not at all surprising that so many knowledgeable individuals, participants and observers, are gathered here in an effort to come to grips with some of the issues involved in institutional eligibility.

Over the years, the education community has become more and more aware of the widespread effects of eligibility determinations and with increased awareness has come increased concern. Because of this broad concern, the Office of Education is caught among four distinct viewpoints that I will categorize as institutional, congressional, public, and legal.

From the viewpoint of educational institutions, Federal control is abominable. They remind us that their autonomy must be preserved if we are to have independent, diverse, and quality education. They want to make sure, and rightly so, that determinations of eligibility to participate in Federal programs pose no threat of Federal control or loss of institutional autonomy.

The congressional viewpoint has been expressed to me many times in correspondence, in oversight hearings, and in GAO reports. Most often I am reminded that the Office of Education's role is that of policeman on the block. We don't like that role, and many in the Congress object to it. But when Federal programs are abused, we quickly get a reminder that we must be stronger in the role of enforcement. The Office is expected to shape up the institutions through strong enforcement while it exercises the roles of leadership and advocacy and the delivery of Federal dollars.

According to the public viewpoint, which includes the press and consumer groups, students are the unwitting victims of institutions that take part in our programs and we must police them more closely. In this particular area, the plot has thickened as more profit-making schools have achieved eligibility status. There also are accusations of laxity in our watchdog role which allows recipients of Federal assistance a free hand in the public purse.

Finally, there is the legal viewpoint. Above all, the Office of Education supports the concept of institutional autonomy. We like the idea of self-regulation under State laws--under professional rules and ethics. In fact, the General Education Provisions Act clearly prohibits any department, agency, officer, or employee of the United States from interference in the internal affairs of educational institutions at any level. By the same token, there are specific requirements contained in our authorizing legislation furthered by rules and regulations that we must follow and which we must see that institutions follow if they are to participate in our program. Our critics in the institutions, the Congress, and the public often overlook the legal implications in the operation of our programs.

Inherent in the Higher Education Act of 1965 and related statutes for Federal aid to education is the need for substantive means through which we may determine the eligibility of postsecondary institutions to participate in the programs. Current provisions for determining eligibility are not perfect by any means and criticism of their weaknesses has intensified in the past couple of years. Imperfections in the system and the resultant problems have generated attention from many quarters, certainly including the Office of Education. The Office of Education is aware of the problems, and we seek solutions. However, we neither could nor should find solutions without the help of the non-Federal interests. Today, then, I want to mention some of the issues I hope you will address while you are here.

1. THE BASIC CHARACTERISTICS OF ELIGIBILITY: WHAT SHOULD THEY BE?

The Office of Education's system for determining eligibility derives from 15 specific statutory mandates issued over the past 20 years. From them have emerged three complementary bases on which eligibility determinations may depend:

- .State licensure or approval
- .accreditation by a nationally recognized agency
- .Federal statutory or program requirements.

Because they are complementary, whenever one or more of these is defective, the entire system suffers. A number of institutional elements are taken into account by any one of these three processes before eligibility is addressed. Included are:

- .factual information such as type of school, length of programs, and legal authority to conduct postsecondary education programs
- .qualitative aspects such as accreditation or one of its alternatives
- .special requirements which are established by statute or regulation and which go beyond basic legal requirements.

Questions:
(1) Are these elements sufficient today to meet the needs of students, education institutions and programs, and the Federal funding initiatives?
(2) How important is the evaluative or quality assessment component to a determination of eligibility?

2. THE ELIGIBILITY TRIAD. IS THE RELATIONSHIP A VIABLE ONE?

As noted, eligibility to participate in Federal aid to education programs currently relies on a triad of responsibility lodged in State chartering or licensure; accreditation by a nationally recognized accrediting agency or approval by a recognized State agency; and Federal eligibility and program requirements.
Questions:
(1) What should be the relationship between the Federal Government and the accrediting and State approval agencies?
(2) What changes, if any, should be made in the triad arrangement?
(3) Should the evaluative function, as specified in Federal statutes, remain with private accrediting bodies and, to a lesser or greater degree, State agencies?
(4) What steps, if any, should the Office of Education take in developing a more cohesive eligibility system?
(5) Should the function of making eligibility determinations continue to be centralized or should it be regionalized or programmatized?

3. REPORTS RELATING TO ELIGIBILITY: WHAT FINDINGS MUST BE ADDRESSED BY THE OFFICE OF EDUCATION?

Today, there is a virtual smorgasbord of reports, studies, and proposals that deal either directly or indirectly with institutional eligibility. We have, for example, the Newman report, the report of the FICE subcommittee on consumer protection, the OE-funded study by Harold

Orlans--Private Accreditation and Public Eligibility--and the published series by the Boston Globe and the Washington Post along with OE's report analyzing the Boston Globe series, to name a few.

While all touch to some degree on the subject of institutional eligibility, they frequently deal with side issues and, more often than not, with the issue of education consumerism. In many instances, proposals for student protection are set forth almost in isolation, reflecting the fact that the large picture often is more difficult to perceive than the small.

The universe of eligible postsecondary schools and programs is exceedingly complex. More than 8,300 institutions, for example, are eligible to participate in our Guaranteed Student Loan Program. The eligibility issue, complex in itself, is compounded in complexity when consumer issues are superimposed on it. Thus, it is extremely difficult for the analyst, policy-maker, and informed observer to decide whether to use the scatter-gun or rifle approach to resolve public policy issues.

Questions:

(1) What are the salient policy issues raised in the reports? What can be done to rectify the situation if, indeed, many good schools remain unaccredited while many of those that are accredited offer poor and useless education? What can be done if accreditation does not insure adequate protection for student interests? Does the fragmented Federal education thrust itself dilute or even negate the value of eligibility as established by any individual department or agency?

(2) At what junctures do abuses affecting education consumers intersect with eligibility determinations? (OE already has addressed most areas of consumer abuse in the Guaranteed Student Loan Program through the regulations that went into effect April 17.)

(3) What are the issues in the area of education consumer protection that the Office of Education may reasonably expect State approval and private accrediting agencies to address? Can they develop a joint effort that would infringe neither on the perogatives of State and local education jurisdictions nor on those of the private accrediting agencies?

5. ROLE OF THE ADVISORY COMMITTEE: SHOULD THE FUNCTIONS OF THE COMMITTEE BE SPECIFIED BY STATUTORY PROVISION?

The functions of the Advisory Committee on Accreditation and Institutional Eligibility have expanded considerably since it was established in 1968. In reviewing its current charter, one might conclude that it would be in order to clarify through statute the role and functions of this very important body.

An English editor, Joseph Malines, once wrote:

> Better put a strong fence 'round the top of the cliff
> Than an ambulance down in the valley.

If we can get these issues into our thinking, we will have the posts on which we can string the wires of resolution--and have no need of an ambulance at all.

IV. Remarks of
Honorable Carl D. Perkins
Chairman, Committee on Education and Labor
House of Representatives

For me, the pleasure of meeting old friends is justification enough for joining just about any gathering of educators.

Over the years, I have worked directly with many of you as together we have labored in the vineyards of legislation. And I have been more than aware of the efforts of all of you who have had a part in edging us forward along the road to progress.

Today, there is a special reason to come here, for I want to salute those of you who conceived and planned this National Invitational Conference on Institutional Eligibility. The work of this conference is both timely and necessary, and I am sure the results of it will be felt in both academic and legislative circles for a long time to come.

I need hardly tell you that I feel much at home with those who are concerned with the issue of eligibility. Much of my legislative career has been devoted to the establishment and expansion of eligibility for Federal education benefits.

A conference such as this would not have been possible when I first came to Congress in 1948. There wouldn't have been anything for the conferees to do. At that time eligibility was simply not an issue, as there were very few education benefits available. The task then and for most of the decade of the 1950s was simply to establish that there was a proper Federal role in education.

It was not until 1958 and passage of the National Defense Education Act that we were successful in authorizing both student and institutional categorical assistance of any consequence in postsecondary education. Considering the breadth and scope of eligibility that both students and institutions have today, our efforts in the NDEA were indeed modest.

You may remember that a rather restrictive definition of "institution of higher education" governed eligibility. This was true for institutional categorical support and also for participation in the student loan program.

As a practical matter, only students attending what most people considered a traditional college or university were eligible for a student loan -- and then the student had to be enrolled on a full time basis. Special consideration was given to students with superior academic backgrounds who expressed a desire to teach in elementary and secondary schools, and whose academic background indicated superior capacity in the preparation of science, math, engineering or modern foreign languages.

It took six years to establish eligibility for students attending on less than a full time basis and it took ten years to eliminate the preference accorded students with superior academic backgrounds.

The National Defense Education Act provided for support of a new type of program referred to as the area vocational education program. Such programs were defined as programs designed to fit individuals for useful employment as technicians or skilled workers in recognized occupations requiring scientific or technical knowledge.

On the one hand, the Congress evidenced a concern for students in occupational and vocational educational -- but as defined in the Act, that concern appeared to be limited to the conduct of such programs at the secondary level.

On the other hand, the Federal interest in postsecondary education focused on the traditional four-year college and university with some recognition of programs which were less than a baccalaureate program -- but only if such programs were of at least two years duration and acceptable for full credit towards a baccalaureate degree.

It was as if there were no Federal interest or supportable interest in any program or activity which was beyond the secondary level, but less than the traditional concept of a baccalaureate program.

We weren't able to change this until 1963, when, with passage of the Vocational Education Act, the definition of an area vocational education program was expanded. Then we included technical or vocational schools exclusively providing vocational education to people who had completed or left high school, and to programs of junior colleges, community colleges or universities.

In 1965 we relaxed the NDEA definition of "institution of higher education" to accept unaccredited institutions which were making satisfactory progress towards accreditation. But more importantly, in 1965 we recognized the Federal interest in supporting students who were in less than two year programs to prepare themselves for gainful employment. At the same time, however, we could not quite bring ourselves to mix students in some types of institutions with students in other types of institutions. So we enacted two parallel, almost identical, but completely separate Federally insured student loan programs. One was for students in the traditional college and university and the other for students in vocational or business schools.

It was not until 1968 that we were willing to admit that students in proprietary schools were entitled to the benefits of the student loan program. Some of our hangups in this regard were overcome by 1968 and in that year -- ten years after the enactment of the original Act -- we allowed for the first time a student in a proprietary institution to participate in the NDEA student loan program. On what rationale I do not know -- but we concluded that it was all right for a student in a proprietary school to obtain a loan but we said that that same student could not be the beneficiary of any Federal grant money. It took another four years before we could take that giant step.

After having been an active participant in all of the battles I have described and many more, I know you can appreciate why I may have a somewhat different perspective today than many people in this audience when it comes to the question of eligibility.

For too many years we did not have eligibility for educational benefits. For so many years we unnecessarily limited eligibility for many deserving and needy students.

And I find myself somewhat misplaced today speaking to a group where the overriding concern may be how we can remove the eligibility of some institutions and therefore divest some students.

You know in Congress we have a lot of labels to hang on members. But if there is any I fit into, I hope it is that of realist.

I know full well in this age of consumerism that it is our responsibility to assure that Federal programs are not used -- or better, abused -- to the disadvantage of the consumer. You know better than I that there have been abuses and when abuses occur, it is important and necessary that there be thoughtful and considered discussion and resolution of the problem.

I must tell you that we in Congress have not yet reached a point where we can feel sure that all students we wish

to reach are in fact being reached. Let me cite an example from my own State of Kentucky where students in seven of our area vocational schools were eligible for Basic Opportunity Grants -- whereas, in six other area vocational schools and five of their branches, eligibility was being denied to students.

This conference then can only be viewed as timely. Abuses in the program have been found and these must be eliminated. We are on the eve of a healthy debate on a higher education bill and how to renew and modify the Higher Education Act. If we do not proceed carefully and with well-reasoned proposals to solve some of the problems which have become apparent, we may very well face Flood amendments offered and approved in a highly-charged and emotional debate. I won't like them and you won't like them. But we will have them thrust upon us.

As you proceed in these next few days, it is my hope that you will consider not only how we might root out abuses but that you will look very carefully at the point I made a moment ago -- we may not as yet have reached all of the types of situations for students that we should be reaching. Consumer protection means not only protecting students from fly-by-night institutions and unethical operations, but it seems to me that it means also assuring that all needy students receive the benefits intended for them by the Congress.

Secondly, in your efforts to root out abuses, let us not take such a broad swipe at the existing operation that we destroy all of the good things that we all have worked for during the last two decades.

There may be abuses in the proprietary sector, but we would be doing a great injustice if we were to eliminate the benefits to all needy students in that sector.

I am not sure whether there should be loan eligibility for students in home-study schools, but I am sure that I will not support an amendment to de-eligibilize all of these institutions and all of these students only because a certain few of these situations may be unethical.

I urge you to look carefully at the existing provisions of law and the existing mechanisms to see whether the best solution may be their refinement and perfection.

I am not sure where I fit in the political spectrum--but in one respect I must admit conservatism. I frequently resist proposals which call for elaborate and different new mechanisms to handle every new problem. Perhaps there is a parallel in my own personal life when it comes to the automobile. I am not the type to buy a new car every two or three years. Much of my experience indicates that we can get far greater mileage and greater economy by simply refining or refurbishing the present machine.

Because of the magnitude and scope of the subject area we are discussing -- that is, thousands of institutions and millions of students -- any new plan or modification should stress simplicity. And because in higher education we are involved with an entity or a segment of our life which is rapidly changing to meet new and different needs, whatever mechanism is worked out must be flexible and responsive.

And finally, as we work ahead we can understand that success will depend on a united effort here in Washington. Good legislation and ineffective administration will fail just as surely and just as miserably as defective legislation and good administration. I believe that we, in the Congress, are sensitive to the many problems you will be discussing, and we welcome and need your constructive suggestions. Likewise, I am confident that Commissioner Bell will make sure that a good cohesive mechanism for any new authority is maintained within the Office of Education and that it will not become embroiled in fancy reorganizational plans and controversial efforts to regionalize administration.

This is so important to the entire complex of higher education legislation that the Commissioner must be intimately in touch with the eligibility administration at all times.

Let me thank you for inviting me here today, and I wish for you a most successful conference.

V. CONFERENCE PRESENTATIONS

1. The Several Discrete Dimensions of Eligibility

by
Richard A. Fulton
Association of Independent Colleges and Schools

Curiously, it is the eligibility of the *institution* rather than the eligibility of the *student* which is defined by statute in the many programs of student financial aid administered by the U.S. Office of Education. Thus according to one USOE administrator, an NDEA student loan for a six-week firefighting course was permissible even though at that time (pre-1968) the institution had to be a degree-granting four-year or two-year with fully transferable credits institution. I do not believe such a flexible or literal administration of the law today would permit an NDSL loan for a three-month course at a "proprietary institution of higher education" complying fully with the elements of eligibility of Section 491(b)(3)[1] which requires that the institution offer at least a six-month program. In fact, I feel sure that the NDSL regulations require that the student be enrolled in at least a six-month program.

It would seem that the old pre-1968 USOE attitude on the NDEA that the length of the course required by the statute for institutional eligibility is distinct from the length of the particular course undertaken by the student in search of financial aid has been abandoned. Yet I suspect that a GSL is equally available for a three-month course at a Section 435(b) "institution of higher education" which by statute must offer a one-year program as at a Section 435(c) "vocational school" which by statute has no requisite minimum offering.

However inconsistent the logic of the USOE administration may be in this case, I suggest it is responsive to the legislative intent of Congress and can be relied upon equally by concerned third parties. In all cases it is only the written word upon which the student or the educator can rely with some certainty after Congress has enacted and the Executive has administered. The precise dimensions of such words as "accreditation" and "eligibility" are essential to statutory authorization, fiscal appropriation, and administrative implementation through regulations and criteria. All dealing with the written word!

Whether or not I agree with legislative intent of Congress or the administrative logic of the USOE concerning admission to or demission from eligibility is an issue separate from the necessity of having a common source of written words upon which an issue can be articulated. As it happens, I agree with the USOE-AIES[1a] multi-dimensioned concept that *eligibility* has "distinct component elements" and "Thus, it seems clear that accreditation is not tantamount to, or synonymous with, institutional eligibility for funding."[2]

Eligibility Determination and Termination

On the other hand, my own theories concerning the *termination* of eligibility include that which the USOE proclaims, but go beyond and are more broadbased than the mere loss of "one of the eligibility elements".[3] As early as August 18, 1972, at an Advisory Committee for the Brookings Study of Private Accrediting and Public Funding, my perceptions of eligibility and its termination as being more than uni-dimensional were publicly, however ineptly, stated. The notes of that early meeting convened by the group which was to issue the Orlans Report[3a] should reflect that my enthusiasm for the recently enacted Section 438(a) authority to limit, suspend or terminate GSL eligibility by the USOE of an "otherwise eligible institution" left one distinguished commentator, "less than underwhelmed" and was less elegantly derided by another observer. Other expositions of my multi-dimensional perception of eligibility, its termination and accreditation as it may or may not be a necessary element of eligibility are reproduced along with oral testimony in hearings before the Subcommittee on Education of the Senate, September 12 and 13, 1974, including copies of letters to Dr. Harold Orlans of July 23, 1973, at page 437, and to Senator Claiborne Pell of September 20, 1973, at page 441.

Similar testimony was offered to a House Government Operations Subcommittee on July 24, 1974. In my opinion the Report (No. 93-1649) issued as the result of those hearings is by and large, and subject to some minor personal exceptions, one of the most even-handed and objective commentaries yet to appear.

Before rushing into the development of an "alternative channel of eligibility" I suggest that first we heed the realistic observation of that Committee which concluded that:

> *"One of the greatest needs is for compliance with existing laws and standards. Greater enforcement efforts are required in every quarter. Schools possessing accreditation do not live up to the impressive standards of accrediting associations. State laws, carefully drafted and designed to weed out unethical standards and practices, often are not enforced.*
>
> *"The interlocking protection provided by the triad of licensing, accreditation, and eligibility regulations is more theoretical than real in far too many cases. State agencies do not work with their counterparts across the State boundary and they do not work with Federal agencies. Federal agencies do not work with each other. Proprietary school courses are generally only a few months long. Speedy correction of problems is crucial, and requires rapid dissemination of warning signals. The existing safeguards can accomplish a great deal more when the institutions responsible for them act in concert." (Page 43)*

That there is an immediate need for an alternative to accreditation as it is a necessary element of eligibility, but not an avenue of eligibility, is, in my opinion, *a distinct and simpler issue.* Admittedly the Orlans people with their uni-dimensional view want to invent new mechanisms while I hope

1 Statutory references are to the Higher Education Act of 1965 as amended unless otherwise indicated.

1a AIES Accreditation and Institutional Eligibility Staff.

2 The Federal Eligibility System as Administered by the Office of Education, by AIES, April 25, 1975. See Appendix A, Page 39.

3 Ibid, page 40.

3a Harold Orlans, H. Jean Levin, Elizabeth K. Bauer, and George Arnstein, *Private Accreditation and Public Eligibility*, Oct. 1974.

to improve the present multi-dimensional mechanism. However, after nearly three years the GSL regulations pursuant to Section 438(a) are in effect. Published action suspending the eligibility of an "otherwise eligible institution" has been taken by the USOE. My early enthusiasm of 1972 is now justified because "Truth always lags behind, limping along on the arm of Time."[4]

More later about specific unused statutory authority of the USOE Commissioner in the NDSL, CWS, and SEOG programs, dating back to 1965, a full decade, to condition the continuation of institutional eligibility by agreement and without in any way awaiting a finding by an outside agency that the institution is not in compliance with one of the eligibility elements!

If the written word of the statute is to be rationally analyzed and reasonably debated, or if it is to be consistently implemented by regulation or equitably interpreted through criteria, I would attach more importance to the written rather than spoken regulations or criteria. While there may be such a thing as the "unwritten law" one judge has held that such a plea is not worth the paper it *isn't* written on. Yet I have been chided because I ". . .evidently attach more importance to the written rather than the spoken word." Stating that he did not, the chief author of the Orlans Report opined that, "Written words however do keep many lawyers, pedants, and clerks gainfully, if unproductively, employed."[5]

Orlans Report

Despite the imprecise language of the Orlans Report which seemingly persists in equating accreditation with eligibility, it appears to me that the authors:

(1) View erroneously eligibility determination or termination as a one-dimensional responsibility for which there should be alternative sources for the exercise of this responsibility but each source being plenary;

(2) Manifest little interest and less comprehension of the specific statutory language as "eligibility" for one or more programs may be defined by Congress rather than as administered by the USOE;

(3) Offer a number of recommendations which could be most constructive if they were to enhance a multi-dimensional concept of eligibility determination and termination wherein the states do and should, (Orlans page 18) have discrete responsibilities separate from accreditation which is merely a distinct element and to which as it is an element of, rather than an avenue to, eligibility there should be an alternative;

(4) Curiously omit any reference to the very current $4.5 million damage suit[6] against AICS which dramatically (and expensively) has brought into focus the multi-dimensional elements of state licensure, accreditation, USOE authority as independent elements available for the termination, rather than determination, of eligibility which was described in the same Congressional testimony of July 19, 1974, another portion of which is quoted at page 15 of the revised version of the Orlans Report.

If one cannot be precise with the simpler concept of *monopoly*, it can easily follow that the more complex concept of statutory *eligibility* can be misunderstood. I agree that the USOE should modify its opposition to the recognition of more than one agency in a geographic or educational area (Orlans, page 6). But I cannot agree that the eligibility statutes as enacted by Congress constitute a monopolistic power by recognized agencies over access to federal benefits (Orlans, page 7). To be only one of at least two necessary predicates to eligibility is not a monopoly. As interpreted by certain USOE program administrators, is an issue which may emerge in the course of another lawsuit[7] which has been brought by the State of Texas against the same party who has sued AICS for loss of accreditation.

The facts involve USOE insurance of loans during which time either the institution lacked state authority to offer the program of education [Section 435(c)(2)] or accreditation [Section 435(c)(4)], or both. For those cases where there is no question that the bank made the loan to the student there may be a very real question, to the amount of millions of dollars, as to whether the USOE, as a subrogee, having paid the insurance claim to the bank for the defaulted loan, can successfully collect from the student who asserts as a defense that the insurance of the loan was improperly issued, and hence void or voidable, because the institution did not meet the statutory definition of an "eligible institution" of Section 435(a) for lack of a state license or accreditation This defense by the student is completely different from any claim of fraud in the fact or failure of consideration which also might be asserted by a student because FISL notes are not negotiable instruments and hence, any holder, including the USOE, takes subject to the personal defenses of the maker.

Yet at page 391 of the Orlans Report, a secretarial school "that had lost its license but still retained its accreditation" is described as having still retained its eligibility for insured loans. If such was the case it was not a matter of statutory language, but rather a matter of administrative ineptitude. It is also contrary to the "Eligibility Checklist" submitted by the USOE in the course of the Senate Subcommittee on Education Hearings of September 12 and 13, 1974 at page 167. But, as John Locke observed, "It is one thing to show a man he is in error, and another to put him in possession of the truth."

Other beholders of the one dimension, cure-all alternative to accreditation include Mark Berry (Orlans Report pages xv and 191), and E. W. Quinton (Orlans Report page xv). Berry is the "young lawyer" who concluded in 1970, without ever meeting with ACBS, that its USOE recognition should be withdrawn and that his proposed law governing Texas proprietary schools would solve the situation. E. W. Quinton, Director of Proprietary Schools for the Texas Education Agency charged with administering the law which Berry advocated so successfully is, according to the newspapers, currently in the hospital unable to answer allegations about the "back dating" of school licenses or non-enforcement of the 30-day payment of refund requirement of the Texas law. Quinton's personal records have been subpoenaed by the Texas Attorney General. Mr. Berry serves as a member of the State Advisory Committee on Proprietary Schools to which Mr. Quinton is answerable.

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4 Baltasar Gracian. The Art of Worldly Wisdom

5 Letter to Richard Fulton from Harold Orlans, October 21, 1974

6 Beaumont Chenier Business College Inc., et. al., v. AICS, No. SA 74 CA 92, USDC (WD Tex) 1974

7 State of Texas v. Carl D. Wehling, No. 74 CI-14335, District Court Bexar County Texas, 166 JUD. DIST., 1974

As a precaution, the Orlans group invoked the wisdom of the Book of Common Prayer (Orlans page ix), I too would cite it in support of my multi-dimensional perception of eligibility because I am firmly convinced of the fallibility of man and the capacity for misjudgment when sole authority for eligibility is reposed in any one place or body. As we told the O'Hara Subcommittee last year that "No one group of people or particular individuals is especially endowed with the capability of always making the correct decision." Rather, "the statutes contemplate a synergistic result in reliance upon state authority, accrediting agencies and the USOE's post-audit authority." To persist in one-dimensional alternatives as suggested by the Orlans people in no way diminishes the probability "we have left undone those things which we ought to have done; and we have done those things which we ought not to have done." (Book of Common Prayer, page 6).

Has the USOE Used its Present Authority?

The U.S. Commissioner of Education, T. H. Bell, when addressing the Middle States Association of Colleges and Secondary Schools last December 6, 1974, on the subject of "Accreditation and the Education Consumer" stated:

> *"We have very little authority to affect in any way the eligibility of a duly accredited institution. Yet we are often faced with painful evidence that some duly accredited institution is following practices which thwart the purposes of the Federal programs we administer."*

Put aside for the moment the insured loan program because it has had so much notoriety including, after nearly three years aborning, actual implementation of the Section 438(a) USOE regulations to limit, suspend or terminate institutional eligibility. In fact, similar authority is now being sought by the USOE in order to better administer the other programs of student financial aid such as NDSL, CWS, and SEOG. Do they need it?

Every institution which participates in the Supplemental Educational Opportunity Grant (SEOG), College Work-Study (CWS), and National Direct Student Loan (NDSL) programs in addition to the statutory elements of eligibility *must enter into an agreement* with the Commissioner to obtain the funds authorized by the program. Those agreements for each of the above-named programs with minor variations shall "include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this subpart." The current citations are:

-SEOG and EOG Section 413(b)(6)
-CWS Section 444(a)(8)
-NDSL Section 463(a)(5)

Actually these statutes go back to 1964 and 1965 with similar language.

Awkward as it might seem, there may be unused statutory authority now available to the Commissioner to stop those "practices" he described to the Middle States Association "which thwart the purposes of the Federal programs" he administers. If delinquencies are even worse under the NDSL than the GSL program - some suggest more than double the GSL default rate of 14% - maybe the agreements with the institutions for NDSL money should be revised in order to promote the purposes of the program which is lending and collecting money from students.

Assuming an NDSL delinquency rate of 25% to 30% and a total appropriation of something in excess of three billion dollars since 1958, we then see the awesome possibility that maybe more than three-quarters of a billion dollars of NDSL money may be uncollected and stagnating. This of course would be contrary to the purposes of the program. Hence to promote the purposes of the program it might be a good idea for the Commissioner to revise his agreements to make sure that the institution is collecting the old NDSL money and recycling it as Congress intended. Such a determination should be made by the NDSL program administrator and not the AIES people because the facts would be peculiarly within program administration knowledge and thus his responsibility!

Expensive and time-consuming computer print-outs are not necessary to get some crude indicators of whether or not an institution is in fact collecting and recycling NDSL money. A simple first step might involve a comparison over the past ten years of the institutions' level of lending with the annual allocation of NDSL funds. If the former is not appreciably greater than the latter, then there may cause for institutional review which under the agreement could result in limitation, suspension, or termination from the NDSL program. Similar tests could be established for CWS utilization or SEOG refunds and recycling when student beneficiaries drop out of school and are due a refund.

Possibly Congress might object to the USOE tardily asserting this ten year old agreement authority. But why not find out?

In any event I suggest there are grounds for termination of eligibility which are different from satisfying the elements of obtaining eligibility. Furthermore, it is my inclination to put such authority or at least responsibility directly in the hands of the program administrator rather than the AIES people. It would be unfair in my opinion to hold them responsible for decisions based upon facts not readily available to them or subject to concealment by a program administrator!

Concern for the Consumer

I am not prepared to decide finally whether the emerging demands of consumerism constitute an additional dimension which would be the separate independent responsibility of yet another group of decision makers, or if the needs of consumer protection can be apportioned among the several existing dimensions of responsibility for eligibility determination and termination. In other words, some consumer matters might best be policed by the states, some governed through accreditation or its alternative, and the remainder subject to the post-audit authority of the USOE. Fortunately I am not entrapped by the one dimension eligibility concept of the Orlans Report.

Apparently the Orlans people feel that the states "can play a significant role in the enforcement of additional eligibility regulations such as those which OE has proposed for the guaranteed student loan program" (Orlans, page 18). Yet they argue against giving state agencies the power to determine eligibility. Because the Orlans people are obsessed with the one-dimensional approach to eligibility, they have no escape from this cul-de-sac of their making. If only they could accept the multi-dimensional concept of the statutes and the OE that eligibility is a bundle of separate elements, they

could easily avoid the dilemma of their own making.

The Orlans observation is most valid that since state "regulatory bodies normally operate on an annual cycle" they can be most helpful in "alerting Washington" to developments. But because Orlans can't conceive of orchestrating the apportionment of eligibility determination and termination to those separate elements which can best do the particular job, he is at a loss as to how at all to utilize in this case the exemplary powers of the states. *Hoist by one's own petard!*

In the one dimensional concept that accreditation or any single source determines eligibility then the long cycle of five or ten years between visits is a "serious deficiency" as Orlans claims. On the other hand, if responsibility is apportioned to several sources, on a best able to do the job basis, as the statutes contemplate, then it is not a serious deficiency. The states can rightfully and expeditiously complement the work of the accrediting agencies. This of course is the view so well articulated by the USOE Acting Deputy Commissioner S. W. Herrell at the Senate Subcommittee on Education Hearings of September 12, 1974.

To force the accrediting agencies to go on an annual cycle of visitation to better regulate eligibility is to force them to abandon their heritage to do the government's bidding. This sort of "regulation by the government should be relaxed," Orlans validly observes (Orlans, page 7). His grasp for a solution exceeds his reach because he is circumscribed once again by his one-dimensional perception.

Current Legislative Proposals

A number of legislative proposals currently are subject to discussion and consideration which would amend or revise eligibility or one or more elements thereof. With no disrespect intended to either the Bell-Pettis proposals or the energetic advocacy of the Arnstein Presidential Commission on Eligibility gambit, I will, in the interest of time, limit my remarks to:

1) H. R. 1462 introduced by Rep. Perkins
2) H.R. 3471 introduced by Rep. O'Hara
3) The response by AICS to a request from Senator Pell for a draft of a proposal which would offer accrediting agencies some protection from lawsuits by creating an alternative to accreditation as it is an element of eligibility.

All the fine spun theories of eligibility determination and the precise parameters of eligibility termination may be for naught if H.R. 1462 proves to be the harbinger of legislatively mandated eligibility of institutions. This pragmatic measure introduced by the Chairman of the House Education and Labor Committee very simply would by statute declare as eligible institutions for the BOG program "any area vocational school (as defined in Section 108(2) of the Vocational Education Act of 1963)." What could be simpler! Student access to BOG sans accreditation, AIES, consumer protection, or Dr. Arnstein's Presidential Eligibility Commission. Furthermore, if such a legislative mandate can solve the problems of the public area vocational schools, then why not the same panacea for the land-grant colleges, the state colleges, or the community colleges? As a matter of fact I personally think there is much to commend this very practical and inexpensive alternative to eligibility. Additionally, I would leave to the most dedicated of consumer protectionists the dubious honor of confronting the powerful Chairman of the House Education and Labor Committee with the allegations of the GAO Report on Public Vocational Schools which contains drop-out statistics even more damning (see page 99) than those hazarded by the FTC in their pursuit of the proprietary schools.

In Section 491 of H.R. 3471, Congressman O'Hara has attempted to centralize into one section the host of eligibility provisions utilized by Title IV of the Higher Education Act. This we endorsed in testimony before the Subcommittee on Postsecondary Education last March 20, 1975, as "a healthy and comprehensive step." We offered several additional suggestions which included:

1) Carrying forward the very special language of Section 435(c)(2) which allocates to the states special additional responsibility with regard to vocational schools having authority to offer a program of education as distinguished from the less demanding language of 435(b)(2) which deals with institutions of higher education.
2) Revision of the three letter rule so that it could be utilized as an alternative to accreditation to take into account realistic consideration of transfer of credits from unaccredited institutions not primarily designed to award academic degrees, but which may be providing programs of education which could be convertible into credits applicable to degrees at institutions which are accredited.
3) A copy of the language drafted at the request of Senator Pell designed to provide accrediting agencies with some measure of relief by establishing an alternative to accreditation as it may be an element of eligibility. The language appears below.

For purposes of this [Act] [Title] notwithstanding any other provision of an institutional definition requiring accreditation by an agency or association recognized by the Commissioner as a necessary element of eligibility, the Commissioner is authorized to prescribe such regulations as may be necessary for the establishment of National Advisory Committee on Institutional Quality and to provide for an alternative method by which such a requisite may be satisfied by an institution which:

(a) is not accredited and as a matter of policy does not wish to be accredited;
(b) has been denied accreditation;
(c) has had its accreditation withdrawn;
(d) for any cause satisfactory to the Commissioner does not have access to accreditation.

This alternative to accreditation as an element of eligibility may be asserted by the institution itself or by a representative group of students for the purpose of determining eligibility for all Federal student assistance funds.

Conclusion

It is as pointless to pick at the loose, but at times racy language of the Orlans Report as it is to hope that the Federal Trade Commission "could be more open" in its dealings as the House Government Operations Committee has suggested. Contrary to James Koerner's thoughtful review of the Orlans Report in *The Chronicle of Higher Education* (April 14, 1975) it is, in my opinion, the superficial

analysis of the problems which fall short of the many worthwhile recommendations. An administrative solution would be apparent if those recommendations were to be unleashed from their one-dimension conception for implementation into a realistic three-dimensional world of eligibility determination and termination. However Koerner may be correct, in the long run, that we "got our money's worth." Certainly not for what the Orlans Report said but possibly, perhaps, for the synthesis it may have provoked.

Whether I am merely rationalizing my prejudices or crystalizing my thinking by having read the Orlans Report, I must affirm what I stated to the O'Hara Subcommittee last year that:

For the concept of eligibility I think the Congress had in mind a sort of synergistic result of State authority, with accreditation and USOE post-audit authority. I am concerned that as accrediting agencies continue to respond to statutory needs, there can be a possible incompatability with the traditional independent diverse pluralistic and autonomous elements of our education system. But if determinations are to be made rather than open entitlements without the accountability, those decisions can't be made by computers. They have to be made by fallible men and whatever new bodies of judgment somebody would propose, I would just say again in the words of Milton who said,

"The new presbyter is but an old priest writ large."

V. CONFERENCE PRESENTATIONS

2. THE ORLANS REPORT

Accrediting Issues

by
Frank G. Dickey
Provost, University of North Carolina
at Charlotte

The various drafts of the Orlans study show a remarkable metamorphosis in attitudes toward accreditation per se; however, little change seems to have taken place in the position taken on the role which USOE should play in its relationships between accreditation and eligibility. From the beginning of this project the survey staff position has been one which would call for a diminishing reliance upon accreditation. Yet, no concrete recommendations regarding other factors to be considered in eligibility determination have been forthcoming. The only new suggestion is an alternate route to eligibility through the "special private committee," but this idea indicates no real difference from accreditation, but rather indicates only a different routing.

Perhaps the major interpretation that may be gained from the study is the fact that at this time accreditation is a necessary and essential element in the process of determining eligibility for funding at the postsecondary level.

Although the report says that "Nothing could do more to revive the value of accreditation to the public than a restoration of the classifications of institutional quality or character which were widespread in its formative years," no indication is given as to how such distinctions would be made or the criteria that could be employed in an era of such diversity amongst postsecondary institutions. If all of our institutions were of the same type, had similar objectives and purposes, and like structure, perhaps the hopes and desires expressed in the study might be possible of realization. Unfortunately, such is not the case and we find ourselves "back where we were" at the beginning of the project.

The Federation of Regional Accrediting Commissions of Higher Education, the coordinating agency for the regional accrediting commissions at the postsecondary level (now a part of the Council on Postsecondary Accreditation), provides the following reasons for institutional accreditation:

(1) fostering excellence in postsecondary education through the development of criteria and guidelines for assessing educational effectiveness;
(2) encouraging institutional improvement of educational endeavors through continuous self-study and evaluation;
(3) assuring the educational community, the general public, and other agencies or organizations that an institution has clearly defined and appropriate educational objectives, has established conditions under which their achievement can reasonably be expected, appears in fact to be accomplishing them substantially, and is so organized, staffed, and supported that it can be expected to continue to do so;
(4) providing counsel and assistance to established and developing institutions;
(5) protecting institutions against encroachments that might jeopardize their educational effectiveness or academic freedom.

The statement of the Federation also holds that "accreditation is attained through a process of evaluation and periodic review of total institutions conducted by regional commissions in accord with national policies and

[1] Harold Orlans, et al., *Private Accreditation and Public Eligibility*, Oct 1974.

procedures approved by the Federation of Regional Accrediting Commissions of Higher Education" (FRACHE, "Purposes of Institutional Accreditation," October 11, 1972).

In terms of the above purposes, each of the regional accrediting commissions has developed standards for initial accreditation and for periodic reevaluation of postsecondary educational institutions. These standards, while couched in different terms for each of the commissions, follow a fairly definite pattern and include criteria to assist determining the effectiveness of the institution in such areas as:

1. Purposes of the institution. Each institution is asked to define clearly its purposes and to incorporate into this statement a pronouncement of its role in the educational world. The institution's integrity is measured not only in terms of its stated purposes, but also in terms of its conscientious endeavor to fulfill these purposes.

2. Organization and administration. Standards dealing with this general area indicate that a similar pattern of organization for all member institutions is neither expected nor required; however, the administrative processes should be well defined and understood by the entire college community. The standards also cover the governing board and its relationships to the institution and its faculty, staff, and students. Most of the statements of standards indicate that in order to promote a proper balance between the diversified activities of comprehensive institutions, the administrative structure of the institution must be designed in a manner as to enable each division to develop and perform fully its unique responsibilities as defined by the stated purpose of the institution.

3. Educational program. The most consistent element of the standards relating to the educational program is that of ascertaining that the purposes of the institution are carried out through the program of education. This relationship between purposes and program must be demonstrated in policies of admission, content of curricula, requirements for graduation, instructional methods and procedures, and quality of work required of the students.

The process by which the curriculum is established is also a concern of the various postsecondary accrediting commissions and it is clearly indicated that the process should recognize the various roles of the governing board, the administration, the faculty, and the students. Some of the commissions are more specific than others. For example, some criteria require that at least one-fourth of the total credits for a degree must be devoted to general education, with one component of courses designed to develop skill in oral and written communication. Other commissions do not have such specific requirements, although the implication is always present that a balanced program is to be sought.

Standards also indicate that an effective institution depends largely upon the general environment of the institution. Such an environment should be conducive to study and learning. One commission states, for example, that "an institution of higher education should endeavor to create a climate of intellectual curiosity and achievement among its students." The general criteria include the point that the faculty and administration should be able to provide evidence of concern for the general setting in which learning is expected to take place.

Programs and courses should be supported by adequate library holdings, instructional materials, and physical facilities. Efficient use of such resources is an indication of concern for effective instruction. It is not sufficient to show that library, laboratory, and other facilities exist; it should also be possible to demonstrate that they are used effectively in the instructional process.

4. Financial resources. The standards of all of the regional accrediting commissions hold that the financial resources of the college or university determine, in part, the quality of its education program. It is pointed out in some of the standards that, conversely, the quality of the educational program affects the ability of an institution to increase its financial resources. The organization of the business structure and the control of financial resources should always reflect the fact that financial resources are tools of the educational enterprise, never the reverse. Matters of budget control; the relation of an institution to external budgetary control; the accounting, reporting, and auditing procedures are also included in the standards of the various accrediting commissions.

5. Faculty. All standards include reference to the recruitment, selection, academic preparation, and organization of the faculty, with special reference in many instances to evidence of professional growth, tenure and academic freedom, teaching loads, promotion policies, criteria for evaluation, salary, and other recognitions. Several of the commissions include in their standards statements indicating that a certain percentage of the faculty should possess educational preparation equivalent to two years of advanced study, and some indicate that at least 30 percent of the faculty (for senior colleges) should possess the earned doctor's degree.

6. Library. The library is held to be a vital instrument of instruction, not only in general education, but also in the cultural development of students and faculty. Standards of the regional accrediting commissions hold that the library should be administered as part of the academic program. Especial attention is given to the library holding in those fields in which graduate study is provided.

7. Student personnel. Within this area of concern the standards include reference to the administration of student personnel programs, to the academic and personal records, to orientation, to counseling, to health service, to athletics, alumni work, etc. While it is recognized in the standards that the specialists in student personnel work have a unique responsibility, it is generally pointed out that all institutional members have and should express a continuing concern for the total welfare of each student, including his physical and mental health, development of capabilities and talents, establishment of relationships with other persons, and motivation for progress in intellectual understanding.

8. Physical plant. Standards of all of the regional accrediting commissions include reference to the physical facilities, including buildings, equipment, and campus. The standards indicate that the physical plant should be designed and maintained to serve the needs of the institution in relation to its stated purposes. Most of the standards include a statement that a master plan for campus development should be maintained.

9. Other standards relate to off-campus study, independent study, and various nontraditional programs.

Most of the regional accrediting commissions also give special emphasis to standards dealing with graduate programs, pointing out that distinctions between undergraduate and graduate work should be observed. Some of the accrediting commissions include research as a part of the graduate standards, while others separate the standards relating to research. Various approaches are employed in stating the standards for master's degrees, specialist's degrees and doctor's degrees; however, in all cases conditions are set forth for degree requirements and in most cases, periods of residence are included.*

In the Study of Regional Accreditation of Institutions of Higher Education, prepared for the Federation of Regional Accrediting Commissions of Higher Education by Claude E. Puffer and staff, the following additional questions were suggested as desirable elements in any institutional accrediting visit:

> (1) What educational and structural (administration, governance, etc.) innovations have been adopted since the most recent reevaluation? Describe and indicate the degree of success.
>
> (2) What special assistance has been provided by the institution in the education of the disadvantaged? Describe and indicate the degree of success.
>
> (3) What do your analytical studies show concerning the effectiveness of your educational programs? What direct evidence do you have of institutional contributions to or responsibility for improvements in your students? What tests or other measuring devices are used and how effective and appropriate are they? (1970, p. 216)

Dr. Puffer indicates in his study that one of the major problems confronting institutional accreditation is that of a shift in purpose brought about by external forces. In the early days, the work of the regional commissions was directed primarily to assisting member institutions to improve. As a matter of fact, each of the agencies still places this particular purpose high on its list of functions. While providing a list of approved or accredited institutions for the general public has always been a part of the function of each agency, this was viewed as a secondary function. But as the judgment of regional agencies became a basis for determining whether institutions received federal funds (and at an earlier date, whether they would receive foundation grants), the public responsibility of the accrediting agency has become greater.

Recent court cases emphasize even more the nature of public accountability. Pressures may be building to the point where the in-house function -- improving individual institutions -- though important, will become a secondary function. While accrediting agencies may continue to emphasize as the primary purpose of their existence assisting member institutions to improve, as far as the general public is concerned, the primary purpose of accreditation appears to be that of certifying the level of quality of an institution or program. If this is the case, the accrediting agency takes on more of the characteristics of a public regulatory commission with a responsibility for protecting the public. It becomes less oriented toward the membership and more toward the public as a whole.

In view of the above-stated purposes and functions of accreditation, it becomes apparent that the accrediting agencies are of real importance to the federal government. Obviously, institutional probity is called for in the eligibility determination process. Even though the Orlans study states that non-governmental accreditation is not a reliable indicator of institutional probity, it would appear that the criteria being used in institutional accrediting are as satisfactory sources of reliable information as can be found today. There is no reason to believe that a similar system under other auspices would serve more effectively.

Accrediting agencies do perform assessment of quality within the framework of their standards and the federal government should not have to develop its own system which would be a duplicative effort, perhaps no more effectively performed.

If special problems arise in the eligibility sector and in the uses of federal funds, then it would seem appropriate for the governmental agencies to focus on these specific problems and issues rather than to utilize a "shotgun" approach. The nongovernmental accrediting mechanisms should continue to be used for the general determination of institutional or programmatic quality.

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*Materials used in the above summaries include the standards of post-secondary commissions of:

Middle States Association of Colleges and Secondary Schools
New England Association of Schools and Colleges
North Central Association of Colleges and Secondary Schools
Northwest Association of Secondary and Higher Schools
Southern Association of Colleges and Schools
Western Association of Schools and Colleges

V. CONFERENCE PRESENTATIONS

3. "CAN THE STATES HELP? A QUESTION OF ABILITY"

by
Joseph A. Clark, Commissioner
Indiana private School Accrediting Commission

The argument has been made that the states have not accepted their responsibilities in the regulation of postsecondary education and thus their role has been assumed by the federal government and accrediting bodies. In support of this argument, the critics have indicated that the only function that should be entrusted to the states would be that of either licensure or approval and that accreditation should only be awarded by accrediting bodies since accreditation is a function, which should properly be handled in the classic manner, that is voluntary and self-starting.

The recently completed Orlans Study indicated that the states had not done their jobs, nor the federal government, nor the accrediting bodies and thus the only salvation was to be found in a completely new entity. Perhaps, as we approach this conference then, we should try to determine if the argument of someone not accepting responsibility is completely true, partially true, or simply not true. If the answers are all or partially negative, then we should try to develop a workable alternate and cease our constant bickering over the terms licensure, approval and/or accreditation and who can accomplish them. We should look then at what, if anything, the states have failed or neglected to do and what the future holds for education and educational consumer protection. And, naturally, who is best equipped to carry out the alternate plan.

The critics say that state accreditation cannot work. They say that the states have not accepted the responsibilities thrust upon them by the Constitution. They say that the states are too politically oriented to ever provide an accountable system and the critics then say it is a shame that the states cannot be more helpful for they are the essential part of the needed cure. Thus, for the sake of argument, let us examine the states and accreditation and see what we discover.

The Orlans Study cited a 1940 report issued by the U.S. Office of Education in which it was advocated that the states should accredit and private organizations should be concerned with the improvement of education and not accreditation.[1] Further, it cited a statement released in 1969 by the National Commission on Accreditation in which it was firmly stated that the term accreditation should be used exclusively by regional and national organizations.[2]

Somewhere in the years that passed between 1940 and the present, the scenario changed and the cast given new roles. The states were assigned licensure and/or approval, and accreditation was reserved for independent peer associations. A problem was that the states did not know that they could now only license or approve and as new state statutes were developed, they were assigned the function of accreditation by their respective legislature. It would take too long to detail all that has transpired by way of research projects, hearings, conferences and exposes, but sadly, the critics still maintain that the states have not done a good or thorough job of providing accountability.

It is not clear if it is in the area of public postsecondary education or private post-secondary education that the states are not doing their job. This is all the more confusing since some critics say it is the area of private post-secondary and others seemingly infer it could be both.

In order to determine where we are in 1975, perhaps we should first look at the area of private post-secondary education and see what progress, if any, has been made by the states.

In January 1975, the National Association of State Administrators and Supervisors of Private Schools released a research brief concerning the fifty states, plus the District of Columbia, and the relationship of their oversight mechanisms to proprietary education within the respective states.[3] This brief was prepared partly to satisfy a desire to know where the states might be, in terms of uniformity and partly to answer a question posed by Congressman Ralph Regula of Ohio to the President of the National Association of State Administrators and Supervisors of Private Schools during the summer hearings of the Committee on Government Operations.

In order to establish a basis upon which each state could be measured, eight standards were chosen from a list of 13 known to be included in most existing state statutes and in the Education Commission of the State's model legislation.

The results of the research brief indicated that 46 states possessed a statute and/or rules and regulations; 34 states possessed all eight standards chosen for the study; and, that 8 states possessed seven of the eight standards.

Since the figures cited during the Congressional hearings of 1974 indicated a top figure of between 32 to 35 states who possessed laws concerning proprietary oversight, the research brief filled a needed void. Additionally, it detailed other strong points individual states considered necessary to sound regulation and indicated that states had made a more concerted effort to regulate post-secondary vocational education than was heretofore known or acknowledged.

The brief made no attempt to rate states as to the job they were presently doing. As a device to measure where the states were, it was successful and a later study was designed to provide data to show how each state administered its statutory responsibility.

Since the critics of the states had argued that the states were not fulfilling their Constitutional mandate of providing a healthy climate for education and an unhealthy climate for educational deceipt and fraud, the study merely added more fuel to the controversy. In early 1975, the latest list issued by the U.S. Commissioner of Education indicated that authorization had been given to twelve states to approve public post-secondary vocational institutions for student assistance programs.[4] Thus, it would seem that approving public post-secondary institutions was not the same as approving or accrediting private post-secondary vocational institutions and whereas the states were not demonstrating leadership in one area of post-secondary education, they were providing a system of sorts to another.

This puzzling dilemma is the more confusing to advocates of strong state leadership when they ask critics how

they can allow the one situation and dis-allow the other. Depending upon the sector asked, i.e., public or private, the answers vary, as one would assume they would.

The critics of state accreditation from within the private sector say that it will destroy the need for private accrediting bodies and will be the pivotal point for the establishment of 50 state accrediting bodies. Thus private post-secondary vocational institutions will find interstate commerce impaired, paperwork impossible to complete, and costs too high for them to bear. On the other hand, the critics of state accreditation from the public sector perceive the problem somewhat differently. The problem with state accreditation, they say, is that it is a non-voluntary, mandatory system which prostitutes the spirit of peer accreditation. Since accreditation must be voluntary, they say, and performed by one's peers, a nonvoluntary system advocated and authorized for use by 50 states would introduce political chaos and educational pork-barrelling.

There is a two part question that must be asked, at this point, "Is accreditation really voluntary?" and "Is accreditation sought for educational excellence or federal dollars?" The answer to these questions, though important, will not be answered here. Their importance as to positions taken cannot escape this Conference. I submit that the critics of state accreditation are wrong when they support a system that is badly flawed, does not resemble its original purpose and is sought for the wrong reasons. Therefore, I further advocate that the problem, in part, is that terms are being confused with purpose and solutions blunted by fears of territorial loss.

In 1974, the U.S. Commissioner of Education stated in a speech before the Middle States Association that, "When Congress put the word "accredited' into the Veterans Readjustment Act of 1952, it was reacting further to an unpleasant aftertaste of how certain institutions and individuals had found some pretty bizarre ways to make money from the great World War II, G.I. Bill.[5]

Further, he states, "The purpose of the word is to prevent dishonest practices . . . Accreditation has sought to evaluate whether an institution is capable of delivering what it promises -- not whether it intends to."[6]

Accreditation, in my opinion, was never designed to mean anything other than a meeting of minimal standards. It was not meant to prevent dishonest practices, and it hasn't.

In the *27th Report of the Committee on Government Operations*, it was stated on page thirty, "Accreditation . . .involves a review of one's peers . . . A basic objective is the gradual upgrading of institutions engaged in education . . ."[7]

Accreditation was never designed to eliminate fraud or thwart the practices leading to deception and misrepresentation.

In 1971, FRACHE issued a proclamation about accreditation, which was published by the American Council on Education in which it defined accreditation as a "process of recognizing those educational institutions whose performance and integrity entitle them to the confidence of the educational community and the public."

The 27th Report by the Committee on Government Operations further stated that "accrediting agencies seem the most practical mechanisms today for ascertaining whether the education and training . . . is sound."[9] It is interesting, to say the least, for that statement to be made in light of today's problems created by accreditation and the fact that the proponents of the system still advocate it as the prime safeguard, when they know it lacks the proper enforcement tools, and was not meant to contain them.

We have not yet discussed licensing and approval. We shall not attempt to discuss them here since enough confusion already exists with the term accreditation. What we shall do is discount licensure as too simple a procedure and one containing many loopholes. We shall, though, advocate placing approval at a higher level than now conceived and if properly handled, as effective and reliable as accreditation was meant to be.

Therefore, we shall, to reduce argument and avoid the trap of semantics, state simply that we agree that states should not accredit. But, it must be clearly understood that our advocacy of approval is based upon a system as strong as accreditation, as it was first designed to be, but tailored to the role of the states and containing enforcement capabilities.

If the U.S. Commissioner says that states can be authorized to approve public post-secondary vocational education, then it must follow that they should also be authorized to approve private post-secondary vocational education since in many cases, the same state agency has the responsibility for both. In some instances, states split responsibility between two existing agencies whereas others may have no existing structure. Regardless, if a public approval is a viable alternative to regional or national accreditation, then a similar alternative factor must be open to the private sector.

There are currently 46 states who could, with a few simple alterations, or perhaps none whatsoever, stand ready to be approved by the U.S. Commissioner of Education.

If this were to happen, then it could provide the catalyst needed to induce other states to seek amendatory legislation and refine existing agencies to serve as the approval authority. If 12 states are already authorized to approve public post-secondary education and 46 states possess statutes concerning private post-secondary proprietary educational oversight mechanisms, it would seem that the time would be not far off when the list of approved state agencies could increase two or threefold.

Dr. Jack Leslie of New York State and past president of the National Association of State Administrators and Supervisors of Private Schools has prepared a white paper concerning the "Role of the State Agency in Determining Private Institutional Eligibility for Participation in Student Aid Programs."[10] This position paper is to be released soon by the national association. Due to the fact that it does indicate, from the viewpoint of the states, what can be done to offer an alternative and does state the interesting incongruity created by the U.S. Office of Education and Congress, we are listing the entire eight recommendations of the position paper.

1. The criteria for recognition can have a standardizing and unifying effect among the states in establishing what constitutes quality of educational programs and define those areas of school operation in need of regulation, while at the same time permitting the states to accommodate to intrastate and regional differences and needs.

2. The states, by statute, have the basic responsibility to issue an authorization for a private vocational school to operate - or cease operation for non-compliance with requirements if necessary.

3. With education as a responsibility of the states, the states have a constitutional, moral and financial responsibility to assure quality of educational services offered by private vocational schools which they authorize to operate.

4. With an annual "authorization to operate" process and frequent on-site visitations, the states are in a good position to maintain quality standards and take corrective action as required to maintain and improve those standards as necessary or desirable. This is more responsive to changing conditions which may affect quality of education than a peer group re-accreditation process every five years or a reaction to a crisis situation.

5. State agencies, in the implementation of their law enforcement responsibilities, are not as vulnerable to lawsuits and damages as peer group accrediting agencies which withdrew accreditation of an institution have been.

6. The cost of an accreditation process itself, exclusive of the cost of changes or improvements to meet qualitative educational standards, is substantially less when conducted by a state agency. State licensing fees are frequently supplemented by general state revenues to cover the cost of the process. Peer group accreditation costs are a part of the operating costs of conducting a private proprietary school and as such are borne exclusively by students attending the schools as a part of tuition charges. Much of what is required of a school in the peer group accreditation process is duplicative of what is required in a state authorization to operate process, particularly in states which would meet criteria established by the U.S. Office of Education.

7. State agency accreditation can be completely objective since a state agency would be free of any competitive bias. Peer group accreditation can never be completely free of at least the hint of competitive bias. Selection of peer group accreditation teams on the basis of increased geographical distance to minimize competitive bias increases the cost of accreditation by such a group.

8. In training for occupations which required state or local licensure of the individual practitioner such as television technicians, medical aide technicians and beauticians, a state accrediting agency can be more responsive to those practitioner licensing requirements than can national accreditation which would have great difficulty in accommodating to a wide variety of state or local practitioner licensing requirements.

These eight points emphasize the reason why so many support the theory that the states can provide an alternate system of accountability and, conversely, why so many others are perplexed that the states have not accepted their responsibility.

Since a few states have been allowed to approve public postsecondary vocational education for receipt of federal funds and the critical problems of deceit, deception and default still plague us, it would seem that the first priority would be to provide the alternate factor needed for private post-secondary vocational education approval. If this be true, then I suggest the following plan be studied by the U.S. Office of Education.

1. The U.S. Commissioner should be authorized to pick three or four states from among the 46 currently possessing proprietary oversight mechanisms. By virtue of existing staffing and funding, the states chosen should be placed into a controlled 18 month pilot approval program. Such data as provided would be used to effect change in the other existing 42 states and distributed to such federal and state agencies as deemed appropriate.

2. The U.S. Commissioner should approach the Federal Congress and advocate a modification of the Mondale Amendment wherein the term "private" would be inserted. Thus, the data provided by the Pilot Program for State Approval of private vocational education (PPSA) and current requirements could be used by the U.S. Commissioner to authorize state approval agencies.

(It should be noted that the PPSA program and existing state processes in regulating private vocational education could be an invaluable tool in correcting any flaws in the current public vocational approval programs of the 12 states thus far involved.)

3. The U.S. Commissioner could provide as part of the PPSA program a joint vehicle for eligibility utilizing the PPSA states and designated accrediting bodies. Thus Congress could be provided with ample proof that the existing system of state-federal-accrediting body cooperation could result in alleviating one of our pressing concerns which is the great waste of federal dollars under the present "accreditation approval" program.

The States have come a long way since the start of this decade. Accreditation as the sole measuring device has not worked. The public has demanded, as has the Congress, that federal agencies, state agencies, and accrediting bodies protect them from abuses, deceit, deception and fraud. Those dedicated to educational excellence know that all of post-secondary education is not safe from the charlatan and the concern for equality in governance of expressed by all. Therefore, it is time that the argument of who can license, approve, or accredit be ended. It is time that the role of the state governments, accrediting bodies and the federal government be moved from the realm of fraternalism to joint venturism. The states can help. The states are not completely uniform nor completely ready, but enough are moving that, with proper guidance and assistance, the alternative factor is almost reality.

Finally, we do not advocate that fifty states become fifty national accrediting bodies. Only that they become 50 strong approval bodies for the protection of their citizenry and a healthy educational climate. We do not advocate the demise of accrediting agencies, quite the contrary, we advocate the tripartite theory of educational governance. We must have the states, federal government and accrediting bodies work together. Let the states determine that a school is ready to provide educational services and let the states provide the enforcement if needed, to correct abuses. Let the accrediting bodies

provide educational excellence and let the federal government coordinate and assist.

Let us not through senseless rhetoric, help create a "super bureau". That would be, to say the least, the final irony.

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V. CONFERENCE PRESENTATIONS

4. THE ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

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The Advisory Committee on Accreditation and Institutional Eligibility has had a very low profile. In operation with a one year hiatus ('70-'71) since 1968, the Committee is authorized by Public Law 82-550 and subsequent legislation, and Section 9(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), and with Part D of the General Education Provisions Act (P.L. 91-230). Its members are appointed to three year terms by the Secretary of Health, Education, and Welfare, and its main role is to advise the U.S. Commissioner of Education, on issues related to institutional eligibility for purposes of federal funding. With present membership established at 15, the Committee is comprised of persons with a broad range of experience, including persons from the student and general public categories.

If the Committee has a low profile, it can be said that its profile matches its budget, for the estimated annual cost for operating the Committee, including compensation and travel expenses, but excluding staff support is $25,000. The Committee has assigned to it in terms of annual manyears of staff support the grand total of one manyear at an additional cost to the taxpayers of $15,000 or less.

I go into this detail because surely no group of people -- no advisory committee -- with such a small budget does more for less.

What are the functions of the Committee? I share them to make the point that the Committee can't possibly perform all of them with its limited staff and budget:

FUNCTIONS

The Committee shall be advisory to the Secretary of Health, Education, and Welfare and the Commissioner of Education and shall perform specific functions as follows:

1. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;
2. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and listing of State agencies wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;
3. Review and advise the Commissioner of Education in the formation of all current and future policy

relating to the matter of institutional eligibility;

4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes;
5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;
6. Review and recommend to the Commissioner of Education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;
7. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation and listing of State agencies in accordance with statutory provisions, Executive Orders, or interagency agreements;
8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;
9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of vocational training institutions which have no alternative route by which to establish eligibility for Federal funding programs;
10. Develop, under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, in order to establish eligibility for Federal funding programs;
11. Maintain a continuous review of Office of Education administrative practice, procedures and judgment and advise the Commissioner of needed changes;
12. Keep within its purview the accreditation and approval process as it develops in all levels of education;
13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request.
14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions.
15. Not later than March 31 of each year, make an annual report of its activities, findings and recommendations.

The Committee on which I served a term which expired in 1973, and for which I have served as a consultant since, concentrates its time and energy on the many problems related to those functions listed above which assist the Commissioner to meet the statutory requirement that he publish a list of nationally recognized accrediting agencies or associations and that he determine institutional eligibility for participation in federal funding by basing such determination on the accreditation of institutions by one of the agencies or associations he has approved, or on equivalent approval by a committee appointed by the Commissioner.

That long and involved sentence translated means that the Commissioner must determine what agencies he will use in establishing or refusing eligibility status to some 8 to 10,000 institutions, public and private, not-for-profit and proprietary. He must, in some way, accredit the accreditors to do the job the Congress has assigned him.

His Advisory Committee holds the hearings, gathers the data (through the Accreditation and Institutional Eligibility Staff), evaluates the performance of the accrediting agencies, and recommends to him those agencies he should include on his list, how long they should be listed and when they should be reviewed. There are at present some 62 agencies listed. They cover the universe of postsecondary education.

As I have reviewed the work of the Committee, from records and interviews with those who served on it before I did, and from the vast amount of recorded material I have from the work of the Committee since I have served it as a consultant, there appears a logical division of the Committee's activity into three periods.

We could say there have been three Committees; while personnel has overlapped, while continuity has been perserved, the Advisory Committee can be looked at as three distinct bodies.

Advisory Committee One functioned from September 1968 until June 1970, holding a total of six meetings in that time. Those were the days! The meetings were a day in length; the agenda was often top-heavy with policy discussion; the public was excluded from meetings (there is no evidence anyone wanted to be included!) and the recorded charter of the group listed only eight functions, compared to the fifteen now on record.

The Committee then was a committee of experts; there were no students, no general public representatives. The Chairman was directly out of the professional world of accrediting; the staff set up in the Commissioner's shop to serve him was headed by the chairman's former principal associate. (Frank Dickey was Chairman; John Proffitt left Dickey's National Commission on Accrediting shop to head the new staff.)

The composition of the Committee was:

2 representatives of the accrediting community (Dr. Norman Burns and Dr. Frank Dickey)
6 representatives of the higher education community
1 representative of State government
2 representatives of professional and vocational associations.

It was an era of good feeling. The Committee had little difficulty deciding that the Commissioner should rely upon private, non-governmental accrediting agencies for eligibility purposes, and with only one State agency representative (who according to Committee records never attended), it is not surprising that they concluded that the recognition of State agencies for eligibility purposes would lower the quality standards which national and/or regional accrediting agencies had struggled to establish. The "experts" had no desire then to help establish fifty sets of standards which they thought could vary widely in character.

The records indicate another broad area of agreement by Committee One:

the Commissioner could not avoid accepting a kind of "oversight" responsibility of the accrediting agencies he approved and listed. Some system for evaluating them, for monitoring them, for reviewing them would have to be established. The Committee seemed to recognize that if the Commissioner was to use accreditation as a major element in eligibility determination, then the quality, fairness, equity of the accreditation process would have to achieve certain levels. The criteria the Commissioner would use in determining what those levels would be should be firmly established by the Committee and recommended to the Commissioner.

And while I wasn't there, it seems that the Committee then had a vague glimpse of the reality now so evident, that if accreditation agencies submitted themselves in formal ways for recognition by the Commissioner, if they met the newly established criteria and process by which they would be "accredited" as accrediting agencies, they would thereafter be performing a quasi-public role. Perhaps there was then, as now, some uneasiness about that possibility. But it was the era of good feeling. And there seemed no reasonable alternative route to federal funding.

The records of those discussions and the memories of those who were participants reflect a consensus that four areas of responsibility would be continually matters of concern for the Committee:

--responsibility concerning the standards and procedures employed by the recognized agencies.

--responsibility concerning accrediting agencies' relationship with "eligible" institutions.

--responsibility concerning an accredited institution's ethical relationship with students and the public wherever public funds are involved.

--responsibility arising out of the act of recognizing and renewing the status of agencies listed by the Commissioner, as determined by the Criteria.

The Committee developed the '69 revised Recognition Criteria, which in a very fundamental way simply borrowed from and elaborated on the National Commission on Accrediting's standards of good accreditation practice. This was done without outside opportunity for comment and review. It is interesting to contrast the simplicity of this process with the lengthy and elaborate process, over two years, by which these '69 Criteria were revised and became the '74 Criteria.

The Committee developed a very strong policy statement on the importance of using and supporting voluntary accreditation. It wanted to assure everyone that its influence on the Commissioner would be used to keep the Office of Education's hands off colleges and universities (that was the primary universe for this group) in terms of direct accreditation or institutional qualitative evaluation.

And they developed quickly--as experts can--policy recommendations in regard to vocational-technical education; they became concerned with due process procedures of accrediting bodies and with an early bloom consumer protection issue--the question of tuition refunds.

Committee One Actions Taken:

15 denials
0 show cause
15 deferrals
8 approved for 1 year
2 approved for 2 years
3 approved for 3 years
13 approved for 4 years

While Committee One seemed relatively isolated from pressure from outside, there were things happening which concerned them, outside forces which were going to impact on the world of accreditation:

1. How could the innovative, the new, the venturesome-how could accreditation itself as a process-be made amenable to change? There was the Ward study on vocational education, the FRACHE[1] study, the SASHEP[2] study. Suddenly the experts found everyone watching.
2. There was the Marjorie Webster case, in which a rather academically irreverent judge noted that profits did not necessarily indicate poor quality nor a deficit the reverse. The law began to climb the ivy covered walls. We all know it is well inside by now!
3. And the sticky and mammoth issues related to the relationship between accreditation, licensure and registration, particularly in the allied health field demanded attention.

But all in all, Committee One was a somewhat secluded, intensive, analytical and professional group of educators with a determination to support and strengthen voluntary accreditation above all else.

1 Federation of Regional Commissions of Higher Education
2 Study of Accreditation of Selected Health Educational Programs

Then, after a year's hiatus during which, *mirabilu dictu*, the world in Washington went on without Advisory Committees, the Commissioner's Advisory Committee was the first to be re-established. Maybe that is because it was so good; or maybe, as my comments about its budget reveal, because it was so cheap!

Advisory Committee Two

The second advisory committee can be dated from June 1971 to April 1972. It held four meetings; its functions remained unchanged although it seems to have taken the review of policies and procedures governing eligibility determinations more seriously than Committee One. It was no longer a Committee of Experts. The professionals from the accreditation world had been dropped, or perhaps I should say not reappointed.

The composition of Committee Two tells a story:

0 representatives from accrediting community
6 representatives from higher education community
1 representative from State Government
2 representatives from professional and vocational associations
1 representative from the lay public
2 students

The result was probably a nightmare for the Accreditation and Institutional Eligibility Staff. The two students proved to be more than token appointments; one a law student from Harvard, the other a Ph.D. candidate in political science from the University of Maryland, and they insisted on full participation. The lay public representative proved to be a person of great influence, and suddenly the outside world was inside the accreditation fence.

The range of policy issues expanded: the Committee began to debate revision of the '69 Criteria in great earnest. Sometimes the debate became acrimonious, for there were now members who believed that accreditation should involve itself with issues related to racial and sexual discrimination, and that accreditation agencies which endorsed "discriminatory institutions" could not be recommended for inclusion on the Commissioner's list. By this time the list was increasingly important because federal funding had grown by leaps and bounds.

The designation of State agencies as nationally recognized accrediting bodies was considered at great length -- more favorably than by Committee One, but still with considerable skepticism.

And Committee Two had strong consumer abuse concerns, at least three of its members were vitally concerned. And they had several cases right on point: the Stride/Dominican College case was almost enough to convince the entire committee that hanky-panky could go on undetected even by one of the best regional accreditation associations.

The actions taken reflect the vigor, the broader base of concern, the perhaps tougher stance of Committee Two:

Actions Taken
3 denials
2 show cause
11 deferrals
17 approved 1 year
7 approved for 2 years
1 approved for 3 years
12 approved for 4 years

What were the outside forces that moved Committee Two?

In 1971:

1. The Koerner article in *The Chronicle*
2. An article in the *Texas Law Review*
3. The impassioned charge by the Woman's Equity League against medical school admissions policy
4. A raft of studies, including the SASHEP study which indicated that all was not well in the world of accreditation

By 1972 it got hotter:

1. The Newman Report
2. The need for an "outside" review which led the Committee to review a proposal from Brookings to do a study on accreditation and institutional eligibility
3. FICE-the Special Task Force on Consumer Protection
4. The Dickey-Miller paper on federal involvement in accreditation.

Parenthetically, I want to note that the views expressed by Dr. Dickey, the first Chairman of the Committee, now struck with a special force. He was very highly regarded by both the members of the Committee and the staff. There seemed to be a parting of the ways between people like Frank Dickey and Norman Burns, who had served with great influence on Committee One and Committee Two. Perhaps the authors of the Dickey-Miller paper did not intend a cleavage, did not mean to launch an era of adversary relationships.

The fact is that the era of good feelings seems to have ended here.

The old friends and partners who had helped set up the system, had served on the Advisory Committee, now were issuing a clarion call against federal "intrusion."

The Committee had a heavy workload; its meetings were increasingly invaded by new and complicated problems; the agenda were more and more devoted to hearings on new applications and reviews of agencies; almost all of the Committee now had only arm's length relationships with the professional accreditation community. Communication was poor; the Committee met and acted with less and less time for policy issues and general discussion.

Advisory Committee Three

We can date this Committee as one which began in August of 1972 and continued to the present.

The agenda lengthened; the tensions with some, although certainly far from all, accrediting professionals were not lessened. The Committee was required to open much of its deliberation and all of its hearing activity to the public. Third parties demanded an opportunity to enter their views. More and more petitioners came with lawyers at their side.

The Committee found that it needed the help of consultants, and several former members were invited to work with the Committee.

Open meetings, third party involvement, student and lay interests, all these seemed to be a logical follow-up to the Committee One recognition that like it or not, accreditation agencies once they become listed by the Commissioner, are in a sense acting as quasi-public bodies.

Suddenly, the whole world of accreditation, now vastly expanded over proprietary as well as not-for-profit institutions, was being opened up to a kind of ventilation, a kind of across-the-board review that was new, and while exciting and refreshing to some, was establishing dangerous precedents for others.

The Committee seems to have abandoned the determination of Committee One to keep the States out of the act, and indeed its thrust was one of encouraging State involvement in the problem of eligibility determination. The triad concept -- State approval, private-peer group evaluation and accreditation, and federal Office of Education regulation of the "regulators" who comprised the first two legs of the three-legged stool -- came into full bloom.

Committee Three now had 15 members, a new Charter by 1974 with expanded functions, a great proliferation of appeals, reviews and applications.

The major policy issues it considered were:

1972:

1. The impact of the 1972 amendments to the Higher Education Act on the Committee's activity
2. Extensive and careful review to the responses which had been received to proposed Criteria revision
3. Further study of Criteria for recognizing state agencies
4. Review of early prospectus of Brookings Institution study.

By 1973-1974:

1. Troublesome issues relating to the ways in which accreditation agencies and the Committee, together with the AIE Staff, regarded the handling of complaints from the field arose. One of these led to the difficulty which has been widely discussed between the North Central Commission and the Committee/AIE Staff
2. Intensive eligibility issues arose, such as those related to a group of Arkansas community colleges. More and more it became evident that eligibility for participation in federal funding programs was crucial to many institutions. Delays, waiting periods, reviews could eliminate some useful institutions of postsecondary education and make the development of new ones impossible.
3. The Committee had worked long and hard with the Council on Medical Education to bring some order into that burgeoning area -- the allied health care area. Work of 18 review boards was considered. Involved, as Mr. Orlans quite properly remarked in his study "Private Accreditation and Public Eligibility," was a mass of documentation impossible for the Committee to read and as one member put it, "backbreaking to carry."

At this point please permit a digression: not many educators and almost no persons not in the educational world know how diverse and broad the universe of post-secondary institutions really is. There are medical technicians, medical technolo-

gists, and medical assistants. There are cosmetologists and barbers and hair stylists.

I have before me a document of 21 pages addressed to the AIE Staff's Accreditation Policy Unit Chief, and provided the Committee as documentation. It has attached documents entitled Exhibits A thru F. The title is: "Rebuttal By The American Association of Medical Assistants to the Statement Filed by the Accrediting Bureau of Medical Laboratory Schools in Response to the California Association of Paramedical Schools' Document in Support of the AMA/AAMA Petition for the Advisory Committee on Accreditation and Institutional Eligibility."
Committee remarked at the time, "If that's the rebuttal, I hope I don't have to read the buttal!"

There were the reviews of agencies related to chiropractic education, and the American Chemical Society's request for continued recognition as an accrediting agency. The Committee listened patiently to several strong points of view about the appropriate accreditation of educational institutions for the blind. In many of these presentations emotions ran high.

The formal actions taken show an increased work-load *and* a significant alteration of the pattern of action:

24 denials
6 show cause
30 deferrals
24 approved for 1 year
26 approvals for 2 years
4 approvals for 3 years
29 approvals for 4 years

From the outside during this period came the Newman proposals. The Committee had never been consulted while the Newman group formed its opinions about the accreditation-eligibility issues. Then the *Boston Globe* series, exposing great problems in the proprietary sector; then a series in the *Washington Post* on accreditation and eligibility. Consumer protection seemed to interest the press and the public; at least some of the agencies with which the Committee had a relationship insisted there was no relationship between accreditation and consumer protection.

The Committee, almost swamped by a heavy workload, requested time for study and review and in August of 1974 spent time in a self-study kind of retreat from which it emerged with revised hearing procedures, new concepts of dividing workload, and new arrangements for the setting and servicing of its meetings.

I do not speak for the Advisory Committee. While some of my summary views are certainly shared by some members, no assumption that what follows reflects the majority view of the Committee or the AIE Staff should be made.

As the Committee has learned in its own evolution, the old, professional confidentiality with which accreditors work is falling or being pushed by the wayside. The mood of the moment is for more openness, for complete revelation of data, for a stated basis for decision, for clearly laid out avenues of review, for exact and equitable due process. Some of us believe this evolution in the work of the Committee will be paralleled as a consequence of pressures on accrediting agencies to do the same thing.

I see -- and some others with me -- a growing lack of confidence in the credibility of accreditation. Some critics think accreditation is so rarely withheld or removed that it has no meaning. Accrediting agencies give some unintentional support to this theory by insisting that their listing of an institution does not mean it is assuredly fiscally sound right now, may not fold next month, can be surely expected to last the year. When consumer protection, discriminatory practices, ethical treatment of faculty and students are held to be matters that should be "policed" by others, many interested in those matters -- and who isn't -- say, "well, what does accreditation mean?"

We are divided, many of us, between the holders of the "vacuum theory" and holders of the "intrusion theory" in regard to the Committee I have been discussing and the Commissioner of Education and his staff. Some of us believe that the Commissioner's AIE Staff and his Advisory Committee are bureaucratically moving, step by step, into the role of controller, of over-seer, of standard setter for higher education. I know of no Commissioner who has not rejected such a trajectory, who has not proclaimed his deep opposition to a ministry of education, to direct federal accreditation of educational institutions, nor have I ever heard a member of the Advisory Committee, in public or in private, advocate such a development.

But there are those who have reasons of their own for the belief that while paying lip-service to the concept of dependence on private accreditation, the federal government has been moving in. One colleague in higher education refers to this as "sleeping in."

The major studies do not confirm the "intrusion" theory. They seem to advocate an even tougher stance, a reduced dependence on private accreditation as a factor in eligibility determination.

I find nothing in my experience or in the records which documents the intruder theory. But then, I am or have been, one of them. An intruder by definition can not be expected to recognize an intruder when he sees one.

The major preoccupation of the Committee I have been describing and the staff which works with it has seemed to me to be a simple and uniform goal: help strengthen private accreditation so that it will remain a respected, creditable element in the determination of eligibility for access to public funds.

V. CONFERENCE PRESENTATIONS

5. COMMENTS ON RECOMMENDATIONS OF THE *ORLANS REPORT

by
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The summary of the chapter of the Orlans report on "Conclusions and Recommendations" includes some 15 recommendations. The chapter as a whole contains some 33 recommendations (by my count). Given the initial rather startling conclusion with which the chapter begins it is perhaps not surprising that these 33 recommendations cover a series of different issues at different levels that are not necessarily developed in complementation of each other. Some of the recommendations have far-reaching implications and many raise more problems and questions than they solve or answer. Others are highly pertinent suggestions that should be carefully but quickly considered and adapted to current issues in eligibility. Still others, while not so immediately related to questions of eligibility, should be of major concern in developing coherent institutional, state and federal policies related to the broader scope of postsecondary education.

Before exploring more fully some of the recommendations it might be wise, first, to take a more careful look at the initial conclusion. "We must, regrettably," the report says, "conclude that we see no really satisfactory solution to the general eligibility problem--to identifying fairly and reliably which postsecondary offerings students receiving federal aid should be free to choose" (2-3). It goes on to add that this conclusion "states a vital, unwelcome truth which reflects the scale, complexity, diversity, and change - ability of 'postsecondary' education" (3).

That the field of postsecondary education is broad, in fact far broader than most people in education realized even a few years ago, is clear. That it is also highly complex and diverse and must be to meet the diverse interests and needs of students of all ages is equally clear. It is changeable, parts of it much more so than others, and the rate of change in all sectors seems to be accelerating.

But to conclude from these undeniable facts, even with the additional facts that interests conflict and tensions are high within the postsecondary world, that there really is no satisfactory solution to the general eligibility problem may be too easy an answer. Whether or not it is, of course, depends upon what one considers a "satisfactory solution." The qualification after the dash, i.e., "to identifying fairly and reliably which postsecondary offerings students receiving federal aid should be free to choose," gives more cosmetic than substantive guidance for one is still left with definitional problems about "fairly" and "reliably".

Now I have no intention of turning this into a semantic debate. The issues are far too critical for that and I suggest most of us have at least general ideas of what "fair," "reliable" and "satisfactory solution" are intended to mean. The issues posed by this disclaimer are rather fundamental. If by a "satisfactory solution" is meant the development of a system of eligibility determination in which every institution or program declared to be eligible will offer only the highest quality work possible in the areas in question, and in which no student who "freely" chooses will be disappointed or feel that he did not get everything he wanted or expected out of it, then the disclaimer is obviously correct.

However, if so, it is a footnote that calls attention to the general human condition that applies to students, institutions, and programs of every type, not just educational. If on the other hand, a "satisfactory solution" involves a reasonable approximation to a system in which eligible institutions and programs, barring unforseen contingencies, offer what they say they offer, have the resources for doing so, and are accountable if they do not, and in which students can be reasonably assured that if they choose such institutions or programs and have the ability and interest to pursue the work they will receive such education or benefits as the institution offers, then I am not sure that even Dr. Orlans quite believes that there is no satisfactory solution. What does seem to be missing is an analytic framework, or perspective, or guiding system into which the recommendations fit so that they complement each other and it may well be that this initial disclaimer inhibits the writers of the report from attempting to reach a synthesis which might just be a "satisfactory solution."

The emphases in the later part of the chapter on protection of students as consumers, on more adequate information from institutions to enable students to choose wisely, and on the development of a federal tuition insurance program to protect students against institutional closing, a problem that may be even more serious in periods ahead than now, are timely and to the point. The value of some of the types of information called for in the report may be questioned and some of it may actually be counterproductive in the sense of being misleading without careful interpretation. Raw dropout rates, for example, may give no clue to the fact that some students may in fact have gotten what they came for and see no need to pursue the work further, nor do they reflect the current concern (including that of the Newman Task Force) for encouraging students to drop-in and stop-out--to pace their education in nontraditional ways.

This is not to say, however, that the Orlans report is not on sound ground in calling for more adequate and relevant information from all institutions. Further, on the broader issue of protection of students, the report seems to be on sound ground in recognizing that it can hardly be the function of accrediting agencies to develop detailed regulations on consumer protection or to engage in police action to enforce them. I would, however, take issue with the somewhat picturesque statement that "The attempt of some OE officials to plant consumer protection in the accrediting

*H. Orlans, et al., *Private Accreditation and Public Eligibility*, Oct. 1974. (Numbers in parentheses in the text refer to pages in the Orlans report.)

process is as promising as a crop of Arctic coconuts" (21). It seems to me that this rather badly misses the point and fails to recognize a critical distinction that the report itself draws at least implicitly, that is the distinction between specific regulatory authority and concern with development of quality and perspective. The report suggests that ""protection' often reduces to regulation--too often, in all probability. Both laws and regulations are needed, but their effectiveness depends on their restraint and reasonableness" (19) and, I would add that the development of a commitment to the principles which the laws and regulations on a minimal operational base exemplify. What accrediting agencies can do and some at least do do is help develop the climate in which more than the letter of the law is recognized as essential.

Interestingly enough, one paragraph later the report does suggest an additional dimension that moves beyond regulations and perhaps comes closer to the heart of the matter. It says, "The formulation of codes of conduct in these areas by higher educational associations should receive high priority and publicity -- as should breaches of the codes" (22). The report does not make clear what these "higher educational associations" are or should be. The Knoxville conference on consumer protection in postsecondary education went somewhat further and suggested or recommended that "Each institution should develop and publish its own code of ethics" (Proceedings, page 6). It went on to suggest that "Each accrediting agency should help develop and insure the quality of ethical practices of each member institution through preparation of a model such as the Federation of Regional Accrediting Commissions of Higher Education's Code of Good Practice, to be adapted to specific institutional conditions. Accrediting agencies and state associations should review the institution's adherence to its own code of ethics" (Ibid., 6).

With the need again for more adequate information, for clearinghouses in regard to such information, information in relation to eligibility and accreditation status, information on frauds, deceptive practices, and misrepresentation there hardly can be argument. The report calls for more extensive studies of the difference between accredited and non-accredited institutions. Among the more important recommendations of the report is the need for clarification, reconciliation, and simplification of the varied rules of different federal and state agencies. It points out that even "a clarification of the differences in existing regulations and the available policy alternatives would itself be fruitful" (20). That such clarification is needed and quickly, not only on the state level but particularly on the federal level, is indicated by the recent proliferation of such rules among federal agencies and the tendency to move further in this direction.

The report by implication does suggest that certain basic conditions of eligibility either in addition to or separate from accreditation should be written into federal law or federal regulations themselves. At one point it becomes explicit. "A proposed FTC rule would require proprietary schools to give applicants basic information about the school and its tuition and refund policy. This should also be required of higher educational institutions as a condition of their eligibility for insured student loans, veterans benefits and other federal aid" (23). The FTC example chosen is less than felicitous since the rule in question fails to distinguish clearly among institutional purposes, requires types of information that need interpretation for relevance, and calls for a range and detail of information in terms of effort and cost that for many schools would be prohibitive. Nevertheless the principle involved may well be of major importance. As a condition of eligibility carefully developed federal law requiring certain basic types of information including tuition policy, institutional purpose, programmatic detail and alternatives, general indices of placement for professionally and occupationally oriented schools and financial stability are both reasonable and feasible. Little or no elaborate policing would be necessary and the Office of Education should have the power to remove institutions from eligibility status if such information is not forthcoming or is discovered to be fraudulent. Because of proliferation of agencies it probably would be wiser to include such basic requirements in legislation than to leave them to agency regulations.

The report has relatively little to say about the role of the states but what it does have to say is highly pertinent as far as it goes. Not in the chapter on conclusions and recommendations, except by reference, but in Chapter I, the report recommends against utilization of state agencies to determine eligibility for all postsecondary institutions for federal funding. To use the states as the sole basis for eligibility determination raises more problems than it solves. The report does, however, suggest that "they can play a significant role in the enforcement of additional eligibility regulations" (18). It goes on to say, "State education and regulatory bodies normally operate on an annual cycle in planning and budgeting for public institutions, in renewing private school licenses, and in conducting necessary inspections" (18) and suggests that "they can be most helpful in monitoring compliance with OE regulations and alerting Washington . . . to developments which might jeopardize a school's eligibility" (18). The report recommends specifically that "with the cooperation of the Education Commission of the States, OE should institute a program . . . to improve the training of state education staff to gain their fuller cooperation in enforcing federal eligibility conditions, and to promote a fuller and prompter exchange of information about postsecondary schools" (18). Such federal-state cooperation is not only feasible but in many respects the avenues for its development already exist. The members of the National Association of State Administrators and Supervisors of Private Schools with members in 50 states have major responsibilities in relation to proprietary schools and do exchange information. The state VA approval agencies are in place. As the ECS* model legislation, or variants of it, is adopted in more states, such feasibility increases. The recognition of state agencies to determine institutional eligibility of public vocational schools by the U.S. Office of Education under the Mondale Amendment further extends this feasibility.

The report, however, does not distinguish as clearly as perhaps it should between three distinguishable though related functions on the state level. The first is the states' regulatory powers in relation to authorizing institutions to operate and grant degrees. It is this function with which the ECS model legislation is concerned. It is quite clear that existence is a rather basic condition of eligibility. To the extent that the states continue to develop more

*Education Commission of the States

adequate regulations (and some have highly adequate ones now) this state authorization and regulatory function can and should be given more weight in determining eligibility. If all states had adequate laws covering the range of postsecondary education and enforcement agencies this might almost be a sufficient condition for eligibility. It is quite clear, however, that most states are not now this far along and may not be for some time to come. Even if they did, to the extent that particular additional qualitative conditions are or are considered to be essential to eligibility in particular fields, state authorization would continue to be an important but not a sufficient condition for eligibility in these fields. The second function goes beyond the first and is exemplified in some states which do in fact accredit -- the New York Board of Regents is the most prominent and effective case in point. One might well argue that such state accreditation constitutes an additional condition and in a few instances, for example, again, New York, perhaps a sufficient condition. The third function is somewhere between the two and is exemplified by the state agencies for determining eligibility under the Veterans Administration -- this might be described as quasi-accreditation for particular purposes. It is important, it would seem, to recognize perhaps more formally than is now the case that the states do or should play an important role in determining eligibility, although state licensure or accreditation usually is not a sufficient or all-inclusive condition for such eligibility.

This brings us to accreditation and what would appear to be some of the central recommendations of the report. Unlike the Newman report, the Orlans report does not propose a wholly separate federal system for determining eligibility. "We do *not* recommend dropping accreditation as *one* condition of eligibility. *We do recommend against relying on it as the sole avenue of eligibility for any program*" (8). The interesting part of this is that the two sentences are not simply the reverse of each other and this is where this reviewer begins to have problems. The first sentence suggests that while accreditation is one condition it is not the sole condition of eligibility in the fields where it applies. The second sentence, on the other hand, suggests something quite different, that is, that accreditation may be one avenue or alternative among many or at least more than one for attaining eligibility in the field in which it applies. Now a condition and an alternative are not the same thing. As a condition, while there may be other conditions, at least in the field in which it applies, it becomes an essential component in determining eligibility. As an alternative it is not a condition and the implication is that it ought to be possible to avoid it altogether. The first formulation says in effect that there are in the light of public concern and accountability in the use of public funds conditions that go beyond the range of concerns of accrediting agencies and that these conditions should be taken into account in determining or removing eligibility, but that among essential conditions is accreditation where it applies. It is quite clear that the Orlans report affirms the second, that is, the alternative formulation. The fascinating part about it is that the report really does not offer any alternatives. It does something else. It urges alternative and even competing modes of accreditation.

The message that comes through loud and clear is the concern of the report about what it considers the monopoly of accrediting agencies. After first recommending that accrediting agencies return to ranking of institutions and then lamenting that they are not likely to do so, the report says, "A useful substitute would be the replacement of agency monopolies by multiple accrediting in the same field or region, particularly if the standards and purposes of each agency are distinct"(5). It goes on to recommend, "*We therefore recommend the OE modify its opposition to the recognition of more than one agency in a geographic or educational area*" (6). This theme is a recurring one. "*The monopolistic power of regional agencies over access to federal benefits should be broken wherever it exists*" (7). "It is important to maintain not only several avenues of eligibility but several organizations to administer them. In multiplicity there is freedom" (8). "*In our view the main purpose of the committee* [Committee for Identifying Useful Postsecondary Schools] *is to break the monopoly of accrediting agencies over eligibility, enabling the commissioner to relax, not to tighten, his regulation of recognized agencies*" (16).

There then follows a most interesting argument. Basically the argument is that the "monopoly" enjoyed by accrediting agencies reduces concern for quality. It takes a number of forms. "*How can distinctions be drawn when virtually all degree-granting institutions are accredited?* The accreditors' response that all accredited schools are of minimal quality . . . and yet constantly improving is Panglossian"(5). "Exclusive reliance on accreditation. . .is unfair to unaccredited schools and programs and destructive of whatever voluntarism and quality standards remain in accrediting" (8). Incidentally, I find very little attention paid as to why unaccredited schools are unaccredited except for reference to areas in which there may be no accrediting agencies. "We believe that educational standards are important, that better, stricter, and more carefully delineated, not fewer and laxer, standards are needed. We would criticize accrediting agencies not, as did the Newman committee, for maintaining standards but rather for relaxing them. We share the committee's concern about the 'homogenization' of education. The committee attributes it to the power of the regionals; we, to their weakness, democratization, and levelling down. The regionals state that they are no longer standardizing bodies. Unfortunately, that appears to be true" (10-11).

Let's work our way backwards. To recognize the importance of standards and quality is one thing. To suggest that accrediting agencies or any other group should be standardizing bodies in the sense of applying uniform standards across the board to all postsecondary institutions and ranking them in the light of this is something quite different. If this were what accrediting agencies did, the Newman objections would be quite right. Even the term "standard" has two different meanings. One is involved in standardization and concerns bringing whatever is under consideration to uniform specifications as, for example, standards for linear measurement, interchangeable parts, etc. Surely this is not what the Orlans report is driving at. The other meaning of standards is insistence upon quality in kind, that is "standards" as indigenous to the functions and purposes of the institution. In this sense there are, or should in fact be, as many different standards

of quality as there are types of institutions and programs. It would appear that the Newman Task Force is criticizing the accrediting agencies for what it thinks is their adoption of the standardization meaning, and the Orlans report is criticizing them for not adopting the standardization meaning.

If there is anything we do need it is concern with quality. If there is anything we do not need it is standardization. What the regionals seem to be saying is that they are no longer and should not be standardizing agencies, but this does not mean that they are not concerned with standards. And to the extent that this is true, it seems to me, they should be congratulated rather than condemned. If there is freedom in multiplicity, it can hardly be in a multiplicity of competing accrediting agencies each with its own mode of standardization, but in multiplicity of standards indigenous to the institutions and types of institutions themselves. This is why the self-study has become so important in the accrediting process. An institution's quality should be judged in terms of how well it fulfills its purposes or functions, has the means in terms of faculties, facilities, and resources to do so, plus perhaps how its purposes and functions fit into the total needs for postsecondary education in the area, state or nation. This is not to say comparisons within types are not possible and perhaps desirable, but to rank institutions in general, even those of similar types but different settings, missions and clientele may be highly counter-productive. If the intent of the Orlans report is to insure judgment of quality and not of uniformity then the major direction that accrediting has taken (granting step-ups and slip-backs) should be highly encouraging rather than a cause for alarm.

What about the concern about monopoly on the part of accrediting agencies, and does this have any relation to the question of standards? I think it does. Here I think there is a rather basic confusion in the argument. I would suggest that the creating of competing accrediting agencies in the same fields or regions for the same institutions is likely to have exactly the opposite effect from that hoped for by the report, if this hope really is to encourage concern with quality. The term "monopoly" is borrowed from business and industry and may not be quite so transferable as on the surface it might seem. Pursuing its analogical meaning, the problem with monopoly is that it does away with competition among products, thus reducing incentive to lower costs and prices and to increase quality of products. The problem with the analogy is that accrediting agencies are not selling products. The danger is that they might. Now what products might they have to sell? The only conceivable products are (a) standards in the standardization sense since they are coming to the institutions for such sale and can hardly have worked these out indigenously for each institution beforehand, and/or (b) approvals. What could be the selling points? Not as difficult? Costs less? You already have it? Is less painful? I can think of nothing that would so quickly debase any coin of accreditation or of eligibility than such competition among accrediting agencies. Unfortunately there have been some examples of attempts to set up accrediting agencies on exactly these bases. We even ran across one case where an institution claimed to be accredited by ECS. We never discovered what this ECS was supposed to mean and it was used by an institution that has since been put out of business as a diploma mill by the Florida Association of Independent Colleges and Universities.

If then, a competition of agencies is in conflict with the concern for quality determination which the report insists should be paramount, what are the report's specific objections to non-competing accrediting agencies responsible for various types of institutions or programs? Here the argument takes an interesting turn. The regionals are criticized because they are too inclusive. "How can distinctions be drawn where virtually all degree-granting institutions are accredited?" (5) "It is redundant, but unobjectionable, for degree-granting institutions, since four-fifths are regionally accredited and most of the remainder are eligible in alternate ways" (6). At the same time the report goes on to argue that institutional accreditation "is least satisfactory in the volatile proprietary school sector, where no alternative avenue of eligibility obtains" (6). Supposedly large numbers of schools are not recognized and "the government has thereby obliged unaccredited schools to kneel before one and only one private organization" (7). Quite apart from the prejudical language, what the report seems to be saying is that if an agency accredits a large number of institutions in the population to which it applies accreditation means little or nothing, and if an agency accredits a limited number of schools in the population to which it applies, it is in restraint of trade and means little or nothing. From this argument one can only come to one of two conclusions -- (1) that there is some formula which the report does not reveal of the number of institutions in a population which should be accredited if accreditation is to be viable and an effective condition of eligibility, or (2) that accreditation means little or nothing and should not be used as a condition of eligibility.

The same kind of argument appears in another form within a single paragraph as related to programs. The first sentence of that paragraph in question argues: "Programs involving a small number of schools should not introduce accreditation at all as a condition of eligibility" (8). Two sentences later the argument runs: "The larger the number of schools involved, the stronger the case against confining eligibility to accredited schools" (8). I would suggest that these are fascinatingly restrictive arguments.

All of this is not to say that there are not problems in accreditation, nor that there is not a danger, perhaps in some areas of specialized accreditation in particular, of over-standardization and restraint to limit the field. Nor is it to suggest that accrediting agencies have not at times been more concerned with standardization rather than with standards. If, however, the concern of the report is with quality, with hospitality to innovation, with respect for institutional goals, then what it perhaps should be arguing is (a) that accrediting agencies should in fact do more effectively what they are designed to do, that is, assess quality in relation to the indigenous characteristics of programs and the goals of the institutions themselves, (b) do this more publicly than some of them have in the past or now do, (c) include in their deliberations not only professionals but persons with public and consumer interests in mind, and (d) that either existing agencies should expand their scope or new agencies should be developed in areas or types of institutions not currently covered. I am not at all sure that a "Committee for Identifying Useful Postsecondary Schools" (11) particularly if it engages in "a stepped-down type of accredita-

tion" (14) would help the situation. It might be the case that a Committee to Identify New Areas for Accreditation would be more valuable.

If we are correct in our analysis, then the charge of "monopoly" is a red herring and makes no more sense than to argue that there ought to be competing bureaus of standards. This analogy does not mean I have fallen back into the "standardization" trap, for when one is talking about standards and quality in relation to educational institutions there should in fact be a multiplicity of standards related to the unique character, purposes, and functions of the institutions themselves. It does mean, however, that the charge of "Panglossian" is neither relevant nor fair. I know of no accrediting agency that would claim that all accredited institutions as they are, constitute "the best of all possible worlds." What they are saying is that there are certain minimal quality conditions to be determined by the character of the institutions themselves and their programs which, in turn, determine initial accredited status, but that one of the functions of accreditation in contrast to licensure is to encourage the institutions towards self-improvement, through self-study and self-action, to adapt to new and higher standards as defined in terms of fulfilling its functions more effectively. This is not to claim that this always happens but it is to recognize that this is what accreditation is about. Rather than criticizing accrediting agencies for being inclusive we should urge them to be more inclusive. The goal, in fact, should be to encourage all institutions to reach at least the minimal status in which they could, would, and should be accredited. What we should be discussing is how to help or reinforce accrediting agencies to perform their functions more effectively, not how to debase accreditation through rival accrediting systems.

This, as I see it, is exactly what the Office of Education, through the Advisory Committee on Accreditation and Institutional Eligibility and its staff, has been attempting to do. The Commissioner is charged by law with publishing "a list of nationally recognized agencies or associations which he determines to be reliable authority as to the quality of training offered." To do so criteria for recognition are necessary and these criteria in turn become the basis for encouraging, even mandating when necessary, accrediting agencies to perform their functions more adequately. There is a loophole in the three letter provision. I frankly would like to see a modification in the opposite direction from that suggested by the Orlans report by placing a time limit on how long the three letter provision can apply and make it applicable only until an institution is eligible for consideration for accreditation.

Among the more serious charges in the Orlans report is that review of agencies by the Office of Education is a charade. "Without an alternative way to render eligible schools which are unaccredited or accredited by an unrecognized agency, the OE review of recognized agencies becomes a charade. It cannot be taken seriously so long as recognition cannot be withdrawn" (7). This is another variant of the monopoly argument. It does have some relevance. But I see little if any evidence that any of the agencies do not take OE review seriously. There was one exception and that exception is no longer on the Commissioner's list. To say that the review is a charade overlooks major changes that have been brought about in a number of agencies over the past few years as a result of review, some among highly prestigious accrediting groups. Such changes hardly can be attributed to play acting. At the same time it is true that if a major accrediting agency, such as one of the regionals, were to be removed from the approved list it would cause both chaos and hardship for institutions and students were all the institutions that had been accredited by the agency suddenly to lose their accredited status. This is where a committee such as that proposed in the report might have an important function as a Committee on Interim Accreditation as well as a Committee to Identify New or Additional Areas for Accreditation. It could, on an interim basis only, extend the accredited status of the institutions involved either until the agency in question revised its procedures to meet the criteria or until a new permanent agency could be formed. Careful safeguards should be built into authorization for such a committee to insure that its functions in this regard are temporary, for to put the federal government permanently in the direct accrediting business is to invite rigidity which would make any excesses in the direction of standardization by private agencies in the past look like child's play.

There is one final recommendation that at least should be noted. According to the report, as emphasis shifts from reliance on accreditation as one of several methods for determining eligibility "*most of the functions of reviewing accrediting agencies and recommending their inclusion on the commissioner's list should be transferred to the Council on Postsecondary Accreditation*" (17) and the "*AIES advisory committee should serve as a final appellate body on recognition issues.*" That there should be a final appellate body may well be desirable and that it might be the AIES Advisory Committee or a subcommittee of it certainly is a possibility. At least this is a function the committee and the Commissioner should seriously consider. Further, the emergence of COPA (the Council on Postsecondary Accreditation) is highly significant and does (contrary to the Orlans report recommendations for a multiplicity of competing agencies) promise development of order, structure, and complementation among accrediting agencies. It does seem to me that OE and COPA should be open and complete. However, COPA cannot and should not be a substitute for or a delegatee from the Commissioner or his advisory committee in performing the basic recognition task. By law the recognition function rests with the Commissioner as does, by implication, the development of criteria for recognition. COPA is primarily concerned with postsecondary agencies. Some of the agencies the Commissioner must be concerned with involve the bridge between secondary and postsecondary education and thus may not fall within the scope of COPA. As valuable as COPA promises to be in the further evolution of accreditation and as important as it is as a private organization complementing the work of AIES, it cannot replace the responsibilities of the Commissioner. In fact, much of its value may lie in the fact that it can be a critic as well as a complement of federal operations.

Now where do we stand? I suggested at the outset that perhaps the initial conclusion of the Orlans report that there is no satisfactory solution to the eligibility problem may have inhibited the investigators from attempting to put parts together. I do not pretend and it is not my assignment to offer a completely satisfactory solution. On the other hand there are a number of suggestions from the Orlans report

that may be valuable in moving in this direction, even some of what may appear to be weaknesses in the report point in additional directions. The report is on sound ground in suggesting that accreditation is not or should not be the sole condition of eligibility. Accreditation does not cover all aspects of the problem and accrediting agencies, except in relation to their central functions of qualitative judgment and quality determinations and other factors directly applicable to it, should not be expected to be policemen for federal or state regulations. At the same time accreditation is one essential condition and not one for which either the Orlans report or other critics have pointed out a reasonable alternative.

Eligibility involves or should involve at least three phases: A state phase, a private phase, and a federal phase. On the state level we should work to encourage more effective development of state authorizing agencies that cover the range of postsecondary education. One of the conditions of being eligible is to exist, and authorization to operate with appropriate safeguards against fraud is a state function. We should encourage passage of the model legislation and improvement of state agencies. The emphasis in the Orlans report on consumer protection is well taken and applies not only in state regulations but perhaps also should be implemented on the federal level through legal requirements in relation to disclosure of information and financial stability. No institution should be eligible for federal funding which does not make such information available.

Accreditation is, or should be, a second essential condition and here the emphasis should be not on a multiplicity of competing agencies but the development of a multiplicity of indigenous standards to deal with quality in the light of the functions, programs, and goals of institutions and systems. We should be concerned that there are enough agencies to deal with all aspects of postsecondary education and then should put limitations on the use of the three letter exception provisions. There should be federal interim provisions for institutions not covered in case agencies fail to comply with adequate criteria or until agencies can be developed in areas not covered.

Finally, while there should be close cooperation between the Office of Education and the Council on Postsecondary Accreditation, the final responsibility for recognizing agencies, for encouraging agencies to continue improvement in the accrediting process, and for appeal in the case of institutions which consider themselves aggrieved, and for recommending further modifications to Congress should rest with the Office of Education.

Thus authorization, regulation, information, development of institutional codes of ethics, accreditation, recognition, review and appeal all fit into a wider framework moving towards a satisfactory solution to the eligibility problem. The Orlans report has contributed to the solution it feels has not been reached by underlining a number of these issues.

VI. CONFERENCE ISSUE PAPER

I. Increasingly, institutional leaders complain about a growing number of varying sets of Federal regulations to which institutions must address themselves.
   A. To the extent feasible, should the Office of Education develop an expanded singular set of eligibility requirements applicable to multiple programs--as opposed to separate sets of requirements for each program?
   B. Should the Office develop a basic "terms of agreement" eligibility document which an institution would execute in order to establish eligibility status for all funding programs?

II. Federal educational program funding involves:
   1) Determination of who is eligible;
   2) Award of funds; and
   3) Ultimate responsibility for the proper use of the funds.
   A. How might the Office strengthen its administrative efforts in areas related to eligibility?

III. The Commissioner of Education's statutory authority to limit, suspend or terminate (for specified reasons) the eligibility status of otherwise eligible institutions currently is applicable only to the Guaranteed Student Loan Program.
   A. Should this authority be expanded relative to all student aid programs?
   B. Should it be expanded relative to all postsecondary funding programs administered by the Office of Education?

IV. It is alleged in the Orlans Report that accrediting agencies are not reliable authorities regarding either educational quality or institutional probity.
   A. Does the Orlans Report substantiate this thesis adequately?
   B. If not, is it true anyway?
   C. What of the Newman Report recommendations (1971) that accreditation be not considered at all in eligibility determinations?

V. Assuming that the Office of Education should continue to use accreditation as one element in the eligibility determination process:
   A. Should it recognize more than one accrediting association (1) in a defined geographical area of jurisdiction or (2) in a defined field of program specialization? In other words, is it advisable to create "competition" for existing accrediting organizations?
   B. Should there be a private committee "to offer an alternative channel of eligibility for *useful* unaccredited schools"? [The Orlans Report suggests there be a 5-year experiment with this.]
   C. Should the Office of Education expand the role of State agencies in eligibility determinations? If the Office of Education encourages expansion of the eligibility functions of State agencies, is this likely to undermine the role of regional and national accrediting agencies?
   D. Should State agencies which approve, license, or charter educational institutions (and therefore give them one of the prerequisites for eligibility) be recognized by the Commissioner of Education in the same way accrediting agencies are now recognized?
   E. Has the time come to establish clearly defined boundaries for the three elements in the eligibility triad? The three elements are (a) accrediting agencies, (b) State agencies, and (c) Federal agencies.

VI. If a central set of eligibility requirements for institutions is established through provision by statute and regulation, should it include the following elements in addition to current requirements?
   A. Proper public disclosure of student attrition and completion rates.
   B. Fair and equitable tuition refunds to students.
   C. Prohibition against utilization of advertising, sales or enrollment practices of any type which are erroneous, deceptive or misleading.
   D. Public disclosure, by vocational schools, of job placement data regarding graduates.

VII. Should recognized accrediting and state approval agencies address the issues listed above in their standards?

VIII. The functions and importance of the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility have expanded considerably since its establishment in 1968. (See charter listing current functions Appendix B)
   A. Given the significance of its operations, should the role and functions of the Advisory Committee be specified by statute?

IX. The Orlans Report proposes that the recognition function of the Commissioner's Advisory Committee (and of the Commissioner?) be transferred to the new Council on Postsecondary Accreditation, and that the Advisory Committee become an appellate body for COPA actions.
   A. Would such a scheme be:
      (1) Practical or functional;
      (2) Desirable to all affected parties;
      (3) Legal?
   B. What advantages and disadvantages would such a scheme offer?

X. The three institutional certification system has, in the opinion of USOE administrators, been subjected to considerable abuse.
   A. Should this procedure be abolished as an alternative to the accreditation provision for eligibility for funding?
   B. If not abolished, what revisions are desirable for it?

XI. Should special eligibility provisions be developed for:
   A. Proprietary institutions;
   B. Innovative institutions;
   C. Other institutional types?

XII. Should the Office encourage development of special accrediting agencies for innovative educational institutions in order to provide eligibility status to this category of institution?

XIII. Are there significant categories or numbers of institutions which are ineligible because they are unaccredited? If so, identify them.

VII. SEMINAR REPORTS

Summary of the Reports of the Five Seminar Groups

Prior to the first meeting of the seminar groups, the seminar chairmen met with John R. Proffitt, Director of the Accreditation and Institutional Eligibility Staff (AIES), for a briefing on the Conference Issue Paper prepared by the AIE Staff (see p. 32). In that meeting, the purpose of the Conference was identified: namely, to examine some of the issues centering around institutional eligibility for funding for the purpose of policy formulation by the Office of Education-including the identification of needs for changes in statutes and regulations. It was decided that all five of the seminar groups would examine the issues numbered I, II, III, VII, and IX in the Conference Issue Paper. In addition, each group was assigned one or two of the remaining issues.

Each of the issues was to be treated by:

(1) developing facets of the problems, or factors, involved in the issue;
(2) identifying points of consensus or alternatives;
(3) proposing recommended courses of action.

Each of the seminar groups was in formal session for at least four hours to deliberate upon the issues assigned to it. Emerging from these sessions was agreement on the following:

(1) The Office of Education should undertake to remove the confusion and overlap in Federal educational program statutes and regulations, and should develop (possibly by assigning a task force to do the job) a single core set of eligibility requirements for all programs, to which specific additions can be made to suit individual programs as needed.
(2) Accreditation is an essential component in the eligibility system and must never be dropped unless it is replaced by a process at least as demanding in its assessment of educational quality as is accreditation.
(3) The Commissioner's authority to limit, suspend, or terminate (for specified reasons) the eligibility of an otherwise eligible institution should not be restricted to the Guaranteed Student Loan Program, as it is currently, but should be expanded to include all Office of Education funding programs for postsecondary education.
(4) A closely cooperating tripartite eligibility system should be vigorously fostered. This system should include (a) State agencies which approve or license schools and which oversee them for purposes of assuring institutional probity (three of the seminar groups recommended that the Federal Government provide States with technical assistance designed to strengthen their effectiveness); (b) private accrediting agencies which determine educational quality; and (c) Federal agencies to specify, and enforce, Federal statutes and Federal regulations relative to Federally supported educational programs.
(5) Provision should be made to ensure that all appropriate postsecondary schools which do not have access to accreditation be provided with an alternative avenue for securing eligibility status.
(6) The organizational placement of the Accreditation and Institutional Eligibility Staff within the administrative structure of the Office of Education should be reviewed inasmuch as its overall functions suggest that the Staff should be reporting at a higher organizational level than is currently the case.

The majority of the seminar groups favored requesting statutory authority for the Advisory Committee on Accreditation and Institutional Eligibility. Those which had reservations about this issue had such because they feared either a possible loss in the flexibility which the Committee must have in order to adequately perform its task, or an undesirable altering of the relationship between the Committee and the Commissioner of Education. Two seminar groups which addressed the issue called for relocation of the AIE Staff within the DHEW structure to a higher level.

No seminar group opposed developing a "terms of agreement" eligibility instrument which an institution would be required to execute in order to establish eligibility, but only one group favored such a document without qualification. Two of the groups were ambivalent about such a document, but urged that the Office of Education explore the advisability, and feasibility, of using such a procedure.

Protection of students against exploitation by unscrupulous educational institutions was very much on the minds of the seminar groups, and one of them recommended that the Office of Education serve as a clearinghouse of complaints from students who have grievances against eligible institutions.

While all groups favored close cooperation between the Council on Postsecondary Accreditation (COPA) and the Office of Education, none favored the Council's assumption of the functions of the Commissioner's Advisory Committee. Furthermore, it was generally conceded that COPA can serve the postsecondary education community best by acting as a creative critic of the Federal Government, rather than as its servant.

Both generally and specifically, the conferees favored the development of a more cohesive, centralized and strengthened eligibility system on the part of the Office of Education.

Report of Seminar I

Chairman: A. D. Albright
Recorder: Kenneth Young

Assumptions -- Members of Seminar I began their deliberations by identifying assumptions that must undergird discussions on eligibility issues. They agreed upon the following as principal assumptions:

1. The major concerns of this Conference are,
   a) determination of institutional eligibility, and
   b) enforcement of statutes and regulations dealing with eligibility;
2. Determination of institutional eligibility should continue to be a tripartite function involving,

a) State licensure and/or approval,
b) accreditation by a nationally recognized agency or association,
c) Federal statutory and regulatory program requirements;

3. The Federal Government should,
a) take steps to clarify the roles of the three units in this triad and assist them to function effectively in a climate of "creative tension",
b) initiate a study for the purpose of identifying the role of each member of the triad with special consideration of where enforcement authority and responsibility should be located.

To the extent feasible, the Office of Education should develop an expanded singular set of eligibility requirements applicable to multiple programs. Before this step is taken, it should be determined whether the various statutes are consistent among themselves so that it will be possible to develop a singular set of eligibility requirements. If they are not consistent, corrective legislation should be proposed.

The Office of Education should develop a basic "terms of agreement" document which an institution would execute in order to establish eligibility status for all Office of Education funding programs. Concern was expressed over the use of the phrase "terms of agreement" for fear that the conditions imposed might be too specific and restrictive. At any rate, if such a document is used, it might be a single document of basic requirements supplemented by special requirements for the various programs.

Deep concern was expressed over the cumulative impact of the regulatory activities of the full range of Federal agencies (e.g., FTC, EEO, and others in addition to the Office of Education), as they adversely affect institutions of postsecondary education. An analysis should be made of the Federal pattern of dealing with postsecondary educational institutions for the purpose of removing confusion and overlap in regulations, funding patterns, program requirements, etc. of the different Federal agencies and programs.

Organizationally, the Office which makes eligibility determinations, and which determines for the Commissioner which regional and national accrediting agencies should be recognized by him for eligibility purposes, should be placed at a higher level than that at which it now functions.

More information should be disseminated than is currently done on the process whereby the Office of Education reaches recognition and eligibility decisions.

Some Federal agency should have statutory authority for all OE postsecondary funding programs to limit, suspend, or terminate the eligibility status of otherwise eligible institutions not performing in conformance with requirements of the law. This should not be limited to the Guaranteed Student Loan Program for which the Commissioner now has this authority.

The Seminar group did not think that the *Orlans report substantiates the contention in the report that accrediting agencies are not reliable authorities regarding educational quality or institutional probity. The Seminar group was of the opinion that the accrediting process is the best possible means for determining educational quality and institutional probity. Although the accreditation process has its weaknesses, and accrediting agencies need to continue to improve their operations, accreditation should continue to be a necessary element in eligibility determination. The Seminar group felt that there is a need to find better ways to develop output criteria and to test these criteria.

The Commissioner of Education should not recognize more than one accrediting association or agency in a defined geographical area of jurisdiction or in a defined field of program specialization.

It would not be a good idea to set up a private Committee "to offer an alternative channel of eligibility for useful unaccredited schools," as suggested in the Orlans report.

The role and functions of the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility should be defined by statute. This would give the Committee greater visibility, acceptance, and stature. It should be recognized, however, that there is a danger that the "statute makers" might create the Committee rather than the Commissioner of Education.

If the Council on Postsecondary Accreditation were to take on the function of recognizing accrediting agencies for the purpose of Federal funding, it would find itself in a conflict-of-interest and monopolistic position.

It is desirable to maintain some form of "creative tension" between the Accreditation and Institutional Eligibility Staff and the non-governmental organizations representing the accrediting community.

Where there are accrediting agencies available to them, institutions should be expected to seek accreditation.

If an accrediting agency is not available, then the U.S. Office of Education should provide some kind of *ad hoc* arrangement so that an institution may seek to quality for eligibility. That arrangement could be the three-institutions alternative, or some other approach. Such an approach should be considered as an interim arrangement until the time an institution can be afforded the opportunity to seek accreditation.

*Harold Orlans, H. Jean Levin, Elizabeth K. Bauer, and George Arnstein, *Private Accreditation and Public Eligibility*, Oct. 1974.

Report of Seminar II

Chairman: Roma E Brown
Recorder: Thomas J. Ginley

In approaching consideration of the issues related to institutional eligibility for Federal funds, discussion was initially focused on the broader context, relationships, and concurrent forces relevant to institutional eligibility determinations.

A general discussion ensued on the perceived need for Federal reliance on other elements in addition to Federal regulations, such as State approval (chartering or licensure) and accreditation. Formaton of a tripartite system using these three elements was extensively discussed with some specific comments related to the need for preserving the integrity of the unique responsibilities of these elements. It was recognized that the current interest and concern about protection of the educational consumer and abuses in use of Federal funds are forces or thrusts that have a significant impact on conceptualizing the processes involved in institutional eligibility.

It was clear that the number of Federal funding programs and attendant program regulations will continue to expand through Congressional action to serve educational needs. Therefore, it appeared reasonable to recommend that a "core set of eligibility requirements" that would be applicable to all programs could be established with additional specific requirements to meet unique needs of each program. This recommendation

should be interpreted as an approach, but should not be construed to include (or exclude) any specific requirements. Though some were mentioned for the purposes of discussing the issue, no conclusions were reached about specific requirements to be included in the "core set."

Development of a basic "terms of agreement" document was strongly recommended. The execution of this document by the institution would clearly represent the institution's responsibility. It was further expressed that institutional information acquired through this mechanism should be subject to full disclosure to interested publics as well as other Government agencies.

It was agreed that a clearinghouse approach might prove beneficial for handling complaints. It was suggested that the U.S. Office of Education serve as a complaint clearinghouse and that it cooperate with State agencies and with accrediting agencies in exchanging information and resoloving complaints. This approach would capitalize on the Accreditation and Institutional Eligibility Advisory Committee efforts already in progress in improving the complaint handling system.

It was suggested that more integrated relationships of the AIE Staff with other program units within the Office (such as the Guaranteed Student Loan Program) should be established to monitor program administration and remove an institution's eligibility if this becomes necessary.

A third suggestion, but one that lacked consensus, was to elicit more information, essential to eligibility considerations, through the accrediting agencies.

It was agreed that extension of the Commissioner's current statutory authority to limit, suspend, or terminate eligibility status in the GSLP to include all student aid programs of the U.S. Office of Education (USOE) is a natural and logical extension.

Considerable discussion followed in relation to expanding this authority to all postsecondary funding programs of the USOE with a majority expression favorable to such expansion. It was anticipated that no additional bureaucracy would be necessary to undertake the additional areas of inclusion.

The issue of recognition of multiple accrediting agencies within a defined geographical area or program specialization area was discussed extensively. Although there was general agreement that singular standards within a domain might prove beneficial and less confusing to the public, and that this was desirable in relation to geographic jurisdiction, there was no consensus on this issue in relation to specialized accreditation. Concern was expressed that USOE should not be in the position of deciding on one among several agencies that may petition for a single domain of accrediting activity, but which hold to different philosophies or approaches to a program area. However, the potential proliferation of agencies that could evolve through this posture was identified as a major problem. Others contended that there must be singular standards within a program area if the interests of students and participating institutions are to be considered. As a compromise position, some suggested USOE should continue to discourage proliferation by encouraging unification when possible. It was also noted that no agency is precluded from engaging in accrediting activities by not being listed by the Commissioner.

In considering the *Orlans concept of a "private committee" approach to determine eligibility for institutions which are not accredited, it was generally felt that this proposal would not be desirable. There was no resolution, however, to the problem or need that this proposal addresses. It appeared to some that there should be an alternative to accreditation for eligibility which would be responsive to the needs described by Congressman Perkins. (See p. 9)

The feasibility of providing this alternative only to those institutions that do not fit into the universe of an existing accrediting agency was explored and identified to be fraught with many judgmental problems. The potential number that might pursue this avenue was estimated to be quite large. If a "committee" is established on a "non-governmental basis," it should only be temporary, if it should exist at all.

The group unanimously supported the concept that the Advisory Committee should be established by statutory provision delineating its role, but not specifying its functions. The concern was that the statute should be written to allow flexibility for continuing change in its functions responsive to changing needs.

Some expressed disagreement with the use of the term "accreditation" in the title of the Committee on Accreditation and Institutional Eligibility and suggested that it be changed to reflect more accurately the role and function of the Committee.

There was total agreement that the private sector basis and function of the Council on Postsecondary Accreditation should not be compromised or altered by acceptance of the responsibility to perform the recognition function of accrediting agencies as now conducted by the Commissioner's Advisory Committee.

*Harold Orlans, H. Jean Levin, Elizabeth K. Bauer, and George Arnstein, *Private Accreditation and Public Eligibility*, Oct. 1974.

Report of Seminar III

Chairman: Samuel P. Martin, M.D.
Recorder: Richard J. Bradley

Discussion in Seminar Group III led to the statement of a series of truisms, assumptions, or principles that were applicable to eligibility in general and could be applied to each issue discussed.

The first principle affirmed the present system of pluralistic approach involving the States, the private sector, and Federal Government. Each has an important role. Of the three, it was the belief that the States were at this time the most variable and, on the whole, the weakest element of the three and that considerable thought, effort, and aid should be devoted to strengthening the States' efforts to bring them to the level where they can function as an equal partner in the system. This would involve development of a system of private sector and Federal aid in the form of technological assistance and funding such as Title V of the Elementary and Secondary School Act which would bring States into a new and stronger position to be a real partner. Careful consideration should, however, be given to long range planning and financing of the program to avoid permanent dependence of States on Federal support. The group felt that strength on the part of the States would solve many problems which now exist in the legal and consumer areas, given that the States have legislative mandate and administrative strength in the area of licensing and/or approval to deal with programs of questionable strength and validity.

The second principle was that education is a complex function dependent on the active participation and commitment of three parties: the student, the educational institution, and

society. Most problems arise from the failure of all or some combination of the three to assume their responsibility in the process. Numerous examples of failure on the part of each of the three elements could be cited but the student, particularly the disadvantaged, is most susceptible to being victimized. It is important to increase students' ability to protect themselves and to make their participation in the process stronger.

The third principle was that eligibility should be handled in a climate which neither favors nor faults institutions on the basis of their auspice, be it public, private non-profit, or proprietary.

The fourth principle dealt with the basic economics of the process of dispensing eligibility. The increasing cost to institutions to do the work necessary to assure compliance with regulations must be considered. Increased cost must yield comparable benefits to institutions, students, and society.

The four principles enumerated above apply to determining what should be the role and function of the State, of private agencies, and of the Federal Government. Eligibility should be viewed from the viewpoint of student assistance, of institutional aid, and of categorical support research grants. Eligibility in each situation is controlled by legislative mandate while Federal regulations interpret the legislative mandate for participation in Federal funding.

The group felt it was extremely important to compile, collate, and codify legislative and regulatory provisions for eligibility for educational funding. It was the consensus that such information should be in a format that is understandable and available to students, institutions, and public. In addition, efforts should be made to eliminate inconsistencies, inequities, and unreasonable differences in legislative mandate and administrative regulation. This would lead to uniformity in eligibility and regulation for student assistance, institutional and/or programmatic assistance.

To accomplish this, it is recommended that a task force be organized as soon as possible to facilitate the above codification. This task force should address student and institutional eligibility.

In addition, this task force or another should address the hierarchical position and organization of the AIE Staff in the Office of Education. It was the consensus of the group that this office should be placed in a more strategic position in the Office of Education or in the Office of the Assistant Secretary for Education. This would offer the potential for matrix organization to utilize more imput from different sections of the Office and to bring about more uniform, understandable, and effective delivery of the service of eligibility determination as well as limitation, suspension, and termination authority.

As a part of the codification, concern should be given to the role and responsibilities of the three partners in eligibility (accrediting agencies, State agencies, and the Federal Government), particularly in prosecuting legal malfunction and malfeasance. The private sector is not in a good position to take on this function.

It was felt that the Office of Education should not develop, but explore, the possibility for the development of a basic "terms of agreement" document applicable to institutional participation in Federal funding.

It was the consensus of the group that the limitation, suspension, termination authority be extended across the board to all Office of Education funding programs. Any actions taken by the Office must always be related specifically to the rules and regulations promulgated by the Office. It is important that a single set of regulations be made by the Office and the locus of this operation be considered in the administrative study.

The group discussed the advantages and disadvantages of a legal vs. an administrative mandate for the Advisory Committee on Accreditation and Institutional Eligibility. Some felt that Advisory Committee functions should be left open, while others felt that openness would lead to misunderstanding. It was felt that the Advisory Committee should have a statutory basis for its advising function. Its method of operation should be written but not legislated and should be available through administrative channels to all agencies dealing with the Office of Education in eligibility areas. Authority for the Advisory Committee should be statutory, but role and function should be left to Federal regulations.

Consistent with the principles enumerated above, it was felt that in the area of the recognition function, the above task force, or another task force, should be organized to study and advise the Commissioner on the *modus operandi* of the Advisory Committee. It was felt by some that transfer of this function to a private agency, such as the Council on Postsecondary Accreditation, would create legal problems and that it would be a dangerous precedent for both Federal Government and private agencies if the U.S. Commissioner of Education and his Advisory Committee on Accreditation and Institutional Eligibility functioned as an appellate organization to a private agency.

It was felt that there should not be special eligibility requirements for different types of institutions. For example, the requirements for proprietary schools should not be different from institutions that specialize in innovation. Eligibility criteria should be sufficiently generic to allow for experimentation and for the unique characteristics of institutions.

The group did not favor creation of additional special accreditation agencies but recognized that every valid educational institution should have a route to eligibility.

The group was unable to list any significant number of categories of institutions which currently do not have access, if they chose, to eligibility. Night law schools, proprietary law schools, and certain schools related to the arts and drama are at present without means for meeting the accreditation component of the eligibility requirements.

Report of Seminar IV

Chairman: N. Edd Miller
Recorder: A. W. Hunter

Occasional instances of weakness in, or absence of, the eligibility determination or accreditation process often receive great amounts of public attention. The Federal Government, State agencies, and voluntary accrediting associations react to this public attention. While this is proper, the Seminar group felt that a more concerted effort is needed to tell the eligibility and accreditation story in a positive way in order to gain more public awareness of the important progress already made. All concerned agencies should publicize their work in a more aggressive way.

The avenue to eligibility need not be through accreditation. Eligibility should be determined by several criteria, among them being the criterion of assessment of the program quality component of the institution. This

assessment could be made by the accreditation process. If some other channel is used, it should be no less rigorous than accreditation.

There is a danger that too much Federal dependence on accreditation may do harm to the voluntary accreditation process. Moreover, there is an equal danger that too little dependence on accreditation will result in too much government control and intervention. A workable joint effort is required involving the Federal Government, accrediting associations, and the States. Such an effort requires:

1. Voluntary accreditation as the major means for satisfying the qualitative requirement which is a necessary condition of eligibility.
2. Dependence on the States and the Federal Government for evaluating compliance with the non-qualitative requirements (legal statutes, etc.).
3. For those small numbers of institutions for which accreditation is not practical, there should be another route to eligibility, not less rigorous than accreditation for satisfying the qualitative requirement. We reccommend that:
1. The role and function of the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility not be specified by statute. We believe that the Committee's functions under the present arrangement provide a more vital operational situation and greater flexibility for adaptation to change than if it were written into statutory regulations.
2. We reaffirm the present approach to eligibility determination and accreditation.
3. We recommend that continuing efforts be made to identify appropriate criteria to be used in the process of initial approval and of determination of eligibility and urge that voluntary accrediting agencies, State and Federal approval agencies seek ways to secure compliance with these criteria.
4. We recommend that the Council on Postsecondary Accreditation, the Education Commission of the States, and the Office of Education jointly identify the appropriate criteria for approval of eligibility and develop a method for securing compliance with these criteria. We urge that a small working task force representing these three agencies be created for this purpose. In order to plan properly for the near future, we recommend this be done immediately.
5. We believe that clearly defined boundaries for the three elements (accrediting agencies, State agencies, and the Federal Government) in the eligibility triad should be established.
6. We do not recommend that the Advisory Committee should be an appellate body for *COPA actions. We believe this would weaken or destroy the independence of COPA and place an unwarranted activity on the Advisory Committee, changing its functions and responsibilities in an unreasonable way.
7. We believe that all postsecondary education at all institutions should publicly disclose all educationally relevant information.
8. We believe all postsecondary educational institutions should develop and publicly state a fair and equitable tuition refund policy.

Report of Seminar V

Chairman: Frank A Tredinnick
Recorder: Victor Hurst

The seminar group felt that anything that would simplify any Federal procedures was highly desirable and that a basic "terms of agreement" document makes eminent good sense. The seminar urged that in the administration of eligibility, the purposes of eligibility--especially services to students--be kept firmly in mind.

On the issue of how the Accreditation and Institutional Eligibility Staff might improve its administrative efforts--the group felt that the procedures in present use are acceptable. The procedures as outlined in *The Federal Eligibility System as Administered by the Office of Education* were agreed to as a reasonable minimum. (See Appendix A)

It was agreed that it would be beneficial to have the Commissioner's authority to limit, suspend, or terminate the eligibility of otherwise eligible institutions extended to all student aid programs and to all other postsecondary funding programs insofar as they have traditionally depended upon eligibility. The seminar agreed that accrediting agencies should not be regulatory agencies.

The Seminar group felt that the Office of Education should not recognize more than one accrediting organization in a defined geographical area of jurisdiction nor should it recognize more than one agency in a defined professional area. Although the group did not endorse the "private committee" proposed in the Orlans report as an alternate means of attaining eligibility, it was the sense of the meeting that there should be serious consideration and exploration of alternate routes to eligibility. There was agreement that the Office of Education should move to strengthen the role of the States in eligibility determination in those cases where the States' resources offer such an option.

The seminar group felt that statutory authorization of the Advisory Committee was unnecessary and that such authorization might tend to constrict or otherwise reduce the flexibility of the Committee. There was agreement that strong and continued emphasis should be placed on the advisory nature of the Committee.

The group did not endorse transfer of the Advisory Committee's functions to the Council on Postsecondary Accreditation.

A pervasive element throughout the discussion was the desire to enhance the effectiveness and the extent of communications, especially on a personal basis, between the Accreditation and Institutional Eligibility Staff and its various constituencies. The Office of Education was urged to take the first step towards bringing about this improvement.

*COPA - Council on Postsecondary Accreditation

VIII
CLOSING REMARKS BY PETER P. MUIRHEAD CHAIRMAN OF THE CONFERENCE

It is my great privilege to report to you that stimulating and fulfilling as this Conference has been, I think that you would be the first to admit that it ends with its mission unaccomplished.

We have had the privilege of hearing some excellent papers and engaging in profitable dialogue on the issues they presented. We have been particularly privileged to have our platform graced by Carl D. Perkins, the Chairman of the House Education and Labor Committee, and I would respectfully remind you that he told us that we should constantly keep in mind the purpose of the Federal interest in postsecondary education and not get our feet entangled too much in the process. The Congress is not so much concerned with change in the process and jettisoning structures that are in place as it is concerned with seeing to it that obstacles are removed from carrying out the Federal mission of achieving equal educational opportunity.

We were privileged too, to have the chief administrator of the Federal process of recognition and institutional eligibility with us in the person of Terrel H. Bell, the United States Commissioner of Education. From his vantage corner, he shared with us his concern that our recommendations for dealing with the problems of accreditation and eligibility give as much attention to protecting consumer rights, encouraging diversity in postsecondary education and providing accreditability for Federal funds as they must and should to preserving institutional autonomy.

Now turning our attention to the Conference Report, I would suggest to John Proffitt, our resourceful Director, that it be printed on paper that when held up to the light will show the watermark of an equilateral triangle. That tripartite or trinity concept has emerged as the hallmark of this Conference. We seem to have agreed, to a degree not usually associated with education conferences, that our problem will require an effective input from the States, an effective input from the Federal Government, and most certainly an effective input from the private sector.

Running through the reports we heard over and over again, as we should when we are dealing with the Government, the plea to simplify procedures, to find some way in which we can make one piece of paper do the work of ten. I was pleased, and I am sure you were, to hear from all of the seminar groups that there should be a major effort to seek some consolidation of the regulations and some simplification of the procedures, which should also be accompanied by full disclosure of how the process works for recognition and institutional eligibility. I think that we heard, as we listened to the reports of the various seminars, that the Federal machinery for carrying out this rather awesome responsibility should be located at a higher level in the bureaucracy, so that it can do its thing more effectively.

I think we heard over and over again that accreditation is a necessary part of institutional eligibility, but we did hear too that the accreditation process needs to be more receptive to the wide scope of activities involved in postsecondary education, and that the accreditation process needs to be bright-eyed and twinkletoed enough to recognize and adapt to good new ideas.

I heard, and I'm sure you heard, over and over again the need for strengthening the States so that we can have a viable and effective Federal-State partnership; so that the States can serve more effectively the public purpose; so that the States can serve more effectively what by legislation is the Federal purpose. I heard, and I think you heard, and I applaud, and I hope you applaud, the suggestion that if the States are going to be asked to better serve the Federal purpose, then the States should be provided with some of the Federal resources to do so. I think that we did hear that the whole question of institutional eligibility should be applied as evenhandedly as possible to all of the postsecondary enterprise. I think we heard too that no section of the postsecondary enterprise has a corner on virtue, and vice versa. As I listened, I heard that the Federal Government involvement in recognition should be tolerated; not loved, but tolerated, and that we should be eternally vigilant that the family jewel of institutional autonomy does not disappear in the process.

Finally, as any good conference on postsecondary education should, we agreed that we should render to Caesar the things that belong to Caesar, and that it is the responsibility of Government to see to it that proper steps are taken to assure that student rights are protected and that the Government has responsibility for insisting upon a reasonable accountability on the use of Government funds. We registered, as we should, an affectionate irreverence for government in general and the Office of Education in particular.

Finally, I noted a refreshing note of humility on the part of our Conference participants; that is that we are reasonably sure that we did not accomplish our mission. We have left a lot of work undone. Hopefully this will be pursued by the task forces we recommended. I think that is a very refreshing thing. We could not resolve all the questions that were brought before the Conference and we acknowledged our fallibility. I would, however, like to join with many others in saying that our seminar chairmen, our speakers, and the authors of various papers made a very good run at it and we are deeply in their debt. I also join with the USOE in thanking all of you for putting down the reins of your busy lives and coming here and giving your time and talents to this very difficult problem, and I am sure that you would want me to express on your behalf our very sincere thanks to John Proffitt and his staff for putting on what I think has been a very effective Conference. Thank you very much.

APPENDIX A

THE FEDERAL ELIGIBILITY SYSTEM AS ADMINISTERED BY THE

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY STAFF

OFFICE OF EDUCATION

April 25, 1975

STATUTORY AUTHORITY

The Office of Education's system for determining institutional eligibility for access to Federal funds derives from a series of 15 specific statutory mandates passed over the last 20 years. Some of the laws have been amended and re-mended, providing as many as ten or more interrelated eligibility determinants for institutions and programs, thereby adding to the complexity of the statutory qualifications for funding eligibility.

However, one can discern a basic common denominator or pattern of eligibility emerging from these various enactments. There are seven or more basic and distinct component elements of eligibility which must be considered in making an eligibility assessment or determination. These elements include: admissions; State legal authorization; program offerings and duration; governance or control; accreditation, or its alternative. In addition, there are two "extrinsic" but universal requirements as to possible institutional exclusion from programs on religious or sectarian grounds, plus the affirmative requirement of Civil Rights compliance. Furthermore, the 1974 "Buckley Amendment" now adds the requirement of compliance with educational records access and transfer-release standards pursuant to the Family Educational Rights and Privacy Act of 1974.

The five primary eligibility elements noted above, with minor variations, reflect minimum standards which apply to institutions in five broad categories:

--institutions of higher education, public and private non-profit;
--proprietary institutions of higher education;
--vocational schools;
--public area vocational schools; and
--hospital schools of nursing.

The largest single category with access to the widest range of Federal education aid is that of "institutions of higher education," the definition of which focuses upon these eligibility elements:

1) ADMISSIONS: "admits as regular students only high school graduates or equivalent;"
   Variations quickly arise regarding vocational schools which can admit persons who have completed or left elementary or secondary school; also, eligibility complexities are generated by those community/junior colleges which actually practice "open door" admissions by affording access to students beyond a minimum age (e.g., 18 years)--thereby, producing contradictions with the statutory language above.
2) AUTHORIZATIONS: "is legally authorized (by its State) to provide programs of postsecondary education;"
3) PROGRAMS: These can vary from programs leading to baccalaureate (or higher) degrees to two-year associate degrees, to include one-year or six-month non-degree programs which lead to gainful employment in recognized occupations;
4) GOVERANCE: The usual types of control considered are: public, private non-profit, and private-for-profit, or proprietary; "non-profit" is defined as being chartered on a non-profit basis, plus achievement of IRS certification as a non-profit entity.
5) ACCREDITATION: The qualitative assessment of an institution or program traditionally has been determined in American education by private, non-governmental accrediting commissions which have met specific recognition criteria established by the Commissioner of Education have their accrediting rulings utilized for purposes of Federal funding eligibility. In addition to attaining accredited or preaccredited status with a nationally recognized accrediting commission, the following alternatives to meeting the accreditation requirement have been legislatively prescribed:
   a) achievement of three-institutional certification of transfer of students and credits to three accredited colleges;
   b) interim approval by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility for categories of schools which lack access to a nationally recognized accrediting agency (This has produced interim recognition of certain schools approved by State action in 18 States);
   c) Specific State agency approval,
      1) Under the Nurse Training Act - 8 States,
      2) Under the "Mondale Amendment" for purposes of certain student financial aid programs - 12 States;
   d) By a Commissioner's determination of "satisfactory assurance" of accreditation, via a procedure recently implemented under the Higher Education Act of 1965.

Thus, it is clear that accreditation is not tantamount to, nor synonymous with, institutional eligibility for funding. While the accreditation element may be relatively laborious, expensive, and time consuming, it is only one of several eligibility elements imposed by law which must be satisfied. In addition, these eligibility elements comprise only the first echelon of requirements which must be considered, since individual funding programs also impose their own specific, substantive eligibility requirements through regulation.

THE ELIGIBILITY SYSTEM IN OPERATION

In implementing the eligibility system, the Office uses the HEGIS (Higher Education General Information Survey form #2300-1) for conventional institutions of higher education; and OE form 1059, an application form for institutional eligibility for all other institutions. These forms provide basic institutional characteristics information, which, together with catalogs and other materials, provide information to help make initial eligibility decisions. In many instances, such information is cross-checked with State approval and licensing agencies, and with nationally recognized accrediting agencies and associations to verify accuracy. A high incidence of error is found in the information provided on these forms.

Primarily, the USOE eligibility system focuses upon the seven fundamental eligibility elements cited above (admissions, authorization, programs, control, accreditation), non-religious status and Civil Rights compliance. Specific other data also are assembled and assessed with respect to categories of schools such as proprietary institutions, or flight schools (where both FAA and VA certification approvals are required). In addition, for unaccredited institutions, financial reports also may be required.

Eligibility Procedural Steps

Educational institutions may establish eligibility to apply for participation in the Federal financial aid programs provided through current legislation by meeting the pertinent statutory requirements. These requirements differ in some respects from program to program, but institutions fulfilling the legislated requirements defining an "institution of higher education" usually are able to qualify for most of the pertinent programs administered by the Office of Education.

A postsecondary educational institution seeking to establish its eligibility for program participation is required to supply evidence for review in order to determine whether or not it meets the requisites of the particular program for which it is applying. In general, the following procedure is followed:

1) The institution asks the Accreditation and Institutional Eligibility Staff (AIE Staff) of the Office of Education for information and application forms to determine its eligibility to apply for program participation;
2) The Office of Education supplies guidelines, attachments and application forms (HEGIS or OE#1059) plus Civil Rights compliance forms;
3) The institution returns the completed forms, plus copies of its catalog;
4) The AIE Staff reviews the information to determine whether the institution qualifies under the statutory definitions, including necessary Civil Rights compliance;
5) When institutional eligibility status is confirmed, the AIE Staff, acting for the Commissioner, issues a certificate of eligibility listing those Federal programs and titles to which the institution may apply. The original notice is sent to the institution, plus copies to the appropriate OE program offices and units.

The initial determination of institutional eligibility is merely the first phase wherein institutions are certified to be eligible to apply for program participation. On the basis of such certification, institutions then get in touch directly with individual funding program administrators, who frequently require further information, proposal data, and other requisites for eligibility.

Termination of Eligibility

Institutional eligibility is subject to termination whenever an institution is found not to be in compliance with one, or more, of the eligibility elements. Past experience indicates that in the public and non-profit school sector, withdrawal of accredited status is the major cause of such action (usually by school closures), while among proprietary schools, a larger number of actions stem from changes in ownership and control.

Once an institution's failure to meet a statutory eligibility requirement is established, the following steps are taken:

1. AIE Staff notifies the institution directly, via certified mail, of the information on which termination action is being taken, effective as of the date of the letter.
2. Program Directors, Regional Offices and Guarantee Agencies for the Guaranteed Student Loan Program are provided with a copy of the above letter, which is stamped "Eligibility Termination - Important - Action Required."

A new "suspension, limitation and termination" procedure has been developed with regard to the Guaranteed Student Loan Program for which regulations recently were published to implement the Commissioner's statutory authority to limit, suspend, or terminate an institution's eligibility to participate in the GSLP, notwithstanding meeting the basic legislated qualifications. The procedure includes provision for opportunity for a hearing and appeal, but it enables the Commissioner, operating through designated officials, to suspend an institution's program eligibility without notice for a short time; or, after giving notice, to suspend eligibility up to 60 days; or to limit the institution's participation as to number or volume of loans, for cause and after notice and hearing; and ultimately, the Commissioner may terminate an institution's eligibility for cause, after notice and a hearing, which includes provisions for an appeal.

OFFICE OF EDUCATION ELIGIBILITY SERVICE TO OTHER AGENCIES AND GROUPS

The attached partial listing of agencies and organizations cites 29 different agencies and audiences that are known to utilize eligibility determinations and assessments made by the Office of Education. The extent of their reliance includes:

A. Individual Institutional Determinations:
To serve the needs of the National Institutes of Health, the Justice Department's Immigration and Naturalization Service, the Department of Housing and Urban Development, the Federal Trade Commission's inquiries into "spurious degrees," the Federal Postal Service's mail fraud actions, individual institutions and programs are reviewed and specific eligibility determinations are issued.

B. Lists of Eligible Institutions:
Listing of institutions determined to be eligible for various Office of Education programs are supplied to other Federal agencies through publications, mail correspondence and telephone responses. Among such activities assisted are the Guaranteed Student Loan Program, including its administrators, Federal and State agencies, lenders and guarantee organizations; the Department of Defense; Fed-

eral Aviation Administration; Veterans Administration; Social Security Administration; and the U.S. Civil Service Commission.

C. Directory Publications

In addition, lists of institutions eligible for entry in official publications are provided for various USOE documents, such as the *Education Directory: Higher Education; Accredited Postsecondary Institutions Vocational Education Directory;* and *Directory of Accredited Postsecondary Institutions and Programs.*

Within the Department of Defense, use of the Higher Education *Directory* encompasses all of the uniformed military services (plus the U.S. Coast Guard) for such purposes as: early release from service for educational reasons; admission to the Chaplaincy Corps, Nurse Corps and other specialized branches; numerous education credits awarded by the training commands, and for administration of educational benefits and services, on a world-wide basis. Use of the *Directory* is supplemented on a continuing basis by mail and telephone inquiries.

OFFICE OF EDUCATION USE OF OTHER AGENCIES, FEDERAL, STATE, AND PRIVATE, IN ITS ELIGIBILITY DETERMINATIONS

In making its eligibility decisions, the Office of Education calls upon, and relies upon, many resources outside of itself. Pertinent statutes require that an institution must be accredited by a recognized accrediting agency or association, before it may be declared eligible for participation in Federally funded educational programs. The Office of Education has recognized 63 such agencies, and is considering additional ones which have requested recognition. If no accrediting agency exists for a particular type of institution, the Office calls upon an advisory committee or upon other organizations for assistance, such as State approval agencies. These agencies are becoming increasingly important as the OE intensifies its efforts to protect the educational consumer.

In the private sector, in addition to the 63 accrediting agencies, the Office enlists the help of organizations such as the Council on Postsecondary Accreditation, the Institute of International Education, and similar organizations. It calls upon embassies for information about foreign schools in determining their eligibility for participation in programs such as the Federally Insured Student Loan Program.

Since an unaccredited non-profit collegiate institution can be declared eligible if three accredited schools will accept its credits for transfer, the Office calls upon registrars of accredited institutions for information about the credits they will accept from unaccredited schools.

At the State level, in addition to the State approval agencies already mentioned, the Office relies upon actions taken by state licensure and charter offices, by State Departments of Education, by State Boards of Regents, and by State Boards in specialities such as cosmetology or nursing.

At the Federal level, the Office cooperates with the Federal Aviation Administration in evaluating flight schools for eligibility purposes. It cooperates with the Veterans Administration and its State approval agencies. It calls upon the Department of State for information about foreign institutions. It has used the services of the Department of Housing and Urban Development in assessing institutional financial stability.

In its efforts to safeguard the educational consumer, the Office of Education cooperates with the Office of Consumer Affairs, the U.S. Postal Service, the Federal Trade Commission, and the Justice Department. Finally, the Accreditation and Institutional Eligibility Staff of the Office of Education served as the lead agency in the preparation of a report by a subcommittee of the Federal Interagency Committee on Education entitled *Toward a Federal Strategy for Protection of the Consumer of Education.*

THE INCREASING IMPORTANCE OF THE EVALUATIVE FUNCTION AND PROCESS IN ELIGIBILITY DETERMINATIONS

The need for evaluating educational offerings is basic. The classic example is the Flexner study, which in the early 1900's convinced both the public and the medical profession of the need for reform in medical education. So significant were the findings of the Flexner study that many medical schools closed in its wake, and a system of evaluation was quickly developed to continue the evaluative process which was begun in the report. The situation which prompted the Flexner study is not unlike that which confronts the Office of Education today, given the diverse universe of postsecondary educational institutions and activities, where there is a growing scope and range of consumer complaints and abuses of Federal funding programs requiring a more penetrating evaluation of institutions and programs participating in Federal programs. Indeed, in accordance with a body of opinion which believes that the present system for establishing eligibility for Federal programs is overly complex, cumbersome, and discriminatory, the situation is one in which there are clear and evident deficiencies which call for immediate correction.

Educational institutions or programs in this country are all subject to the States in which they are located, or in which they do business. When institutions or programs apply for eligibility for various Federal funding programs of assistance to education, they are subject to the eligibility requirements of each funding program and, in some instances, to additional administrative requirements for each program, such as the proposed Guaranteed Student Loan Program regulations. For the large majority of institutions and programs participating in the postsecondary funding programs administered by the Office of Education, accreditation is the key eligibility factor.

The triad of State, Federal, and Private accreditation oversight is by necessity a complementary one. The ideal State, such as envisioned by the Education Commission of the States in its proposed model legislation for approval of private postsecondary educational institutions, sets forth minimum standards which include the institution's ability to enable students to reach its educational objectives, and assurance that it has the means of doing so. Such standards also encompass adequate, fair, and accurate information for prospective students in regard to the objectives, costs, and conditions involved. They require not only truth in advertising, but also disclosure of relevant information. The major emphasis is to provide a minimal floor for protection of the public. In reality, the States are now at varying levels of sophistication in approving educational institutions or programs, and even if all States were performing at the optimum level, there

would still be variance among the States in interpreting and enforcing requirements. Federal regulations, such as the Federally Insured Student Loan Program regulations, primarily require the keeping of records and reports for the purpose of efficient program administration, and the FISL regulations also require a reasonable refund policy and the provision of basic, statistical data to the student. Accrediting agencies do not have the regulatory function inherent in State and Federal program regulation. However, they provide a depth and consistency to the evaluative process which is not present to any great degree in Federal or State regulations, and their judgments are relied upon by Federal and State authorities. Covering a wider geographic area than that of a single State, such agencies have direct access to educational expertise on a national or regional basis. This ensures against provincialism and facilitates the free movement among the States of students, faculty, and graduates in the various professions. Also, far more than establishing a minimal base of quality, such as would be accomplished by good State regulations, accrediting standards are designed to foster constant educational improvement. Removal of the special evaluative services provided by accreditation, or the failure of any part of the Federal, State, and private accreditation triad to function in an optimal manner, leaves our loosely-constructed educational system vulnerable to various kinds of entrepreneurial and educational abuses.

CONSEQUENCES OF THE ABSENCE OF THE EVALUATIVE FACTOR FROM THE ELIGIBILITY SYSTEM

The educational consumer and the taxpayer expect the Federal Government to invest public funds wisely. Although the Office of Education has stressed that institutional eligibility for Federal funding does not insure quality education, the consumer and the taxpayer appear to assume that institutions which the Government has deemed eligible for Federal assistance have been appropriately evaluated and meet at least minimum levels of operational performance and quality. The student who invests in an institution with the Government's stamp of approval expects that the training offered by that institution will help him to achieve his particular goals. He needs assurance that the educational program of the school is current and that its faculty are qualified. He needs to know that the school is financially stable and that its facilities and equipment are adequate and appropriate for the goals of the institution. The public expects that schools for health professions, engineers, architects, and technicians produce graduates who are competent to protect the health and safety of the public. Any system which determines eligibility on the basis of quantitative data or single-purpose indicators, and excludes the evaluative process, fails to provide these assurances to the public.

Whenever the evaluative process is absent from, or deficient in, any one of the three components of the eligibility system--State regulations, accreditation, and Federal program requirements--one consequence is the exposure of the public to a variety of educational consumer frauds.

The States, for example, play a critical role in attesting to an institution's ability to function as a bona-fide institution. In States where there is no mechanism to evaluate school facilities, advertising, and financial stability, the public is particularly easy prey to dishonest school operators. Even in States where there are licensing requirements, some institutions which are very similar to degree mills flourish. These schools are able to meet the minimal licensing requirements, but provide education of dubious quality. As it becomes more difficult to distinguish between nontraditional educational institutions and quasi-legitimate enterprises, it is evident that the evaluative apparatus of many States is not adequate to guarantee the public that it is spending its money for quality education. The need for additional concurrent but independent judgments is required.

Even when State approval systems do contain an adequate evaluative mechanism, they may fail to stimulate institutions to improve beyond minimally acceptable levels of performance. Accreditation has traditionally been relied upon to perform this function. Evaluation in the accreditation process is partly a matter of institutional or program self-evaluation, which requires the institution to identify and correct its deficiencies. Self-evaluation, which is an element not usually found in the State approval process, places considerable responsibility for improvement upon the institutions or programs themselves. Accreditation also provides for evaluation according to one set of national standards. Employers and students can thus make judgments on the basis of a school's compliance with one, rather than 50, sets of standards.

Elimination or reduction of the evaluative function from the eligibility system would mislead the public, who rely upon the Government to provide access to minimally acceptable education. It leads eventually to frauds and the waste of public funds. It would also permit institutions, which reap the benefits of public funding, to shirk responsibility for the improvement of their educational programs.

In response to the increasing awareness of educational abuses, there have been recent measures to shore up the evaluative functions within each facet of the Federal, State, and private accreditation triad. As mentioned previously, the Education Commission of the States has developed model legislation for approval of the private postsecondary educational institutions, which contains standards relevant to the attainment of educational objectives, truth in advertising, and the disclosure of certain basic data. It should be noted also, that the model legislation affords recognition to the significance of private accreditation, and permits State agencies to accept the determinations of the accrediting agencies recognized by the U.S. Commissioner of Education, provided that the State agency may make any further necessary investigations as in its judgment may be necessary. On the Federal side, the proposed Federally Insured Student Loan Program Regulations require such evaluative techniques as the assessment of a prospective student's ability to benefit from a course of study prior to his enrollment, and establish requirements for the evaluation of a participating insitution's financial status. Accrediting agencies which desire recognition, or continuation of recognition, by the Commissioner of Education must demonstrate compliance with the revised Criteria for Nationally Recognized Accrediting Agencies and Associations, published on August 20, 1974. These criteria contain such new elements as: consideration of the rights and responsibilities of students and the general public; outcomes analysis; and validity and reliability of educational standards.

The various agencies sponsoring the Federal Interagency Committee on Education have participated actively

on the Committee's Subcommittee on Educational Consumer Protection which recently developed the report, *Toward a Federal Strategy for Protection of the Consumer of Education.* The report gives recognition to the usefulness of each facet of the Federal, State, and private accreditation triad, and recommends ways for improvement of the system, including improved cooperation of the various components within it.

APPENDIX B

CHARTER

Accreditation and Institutional Eligibility Advisory Committee

PURPOSE

The Commissioner of Education is required by the Veterans' Readjustment Assistance Act of 1952 (P.L. 82-550) and subsequent legislation to publish a list of nationally recognized accrediting agencies or associations and to determine institutional eligibility for participation of education institutions in Federal assistance programs based on accreditation by any such agency or an equivalent approval by a committee appointed by the Commissioner. Discharge of these responsibilities necessitates the advice and counsel of persons knowledgeable in the field of institutional eligibility and accreditation.

AUTHORITY

Public Law 82-550 and subsequent legislation, and Section 9(a)(2) of the Federal Advisory Committee Act (P.L. 92-463). This committee is established in accordance with the provisions of the Federal Advisory Committee Act (P.L. 92-463) and with Part D of the General Education Provisions Act (P.L. 91-230) which sets forth standards for the formation and use of advisory committees.

FUNCTIONS

The Committee shall be advisory to the Secretary of Health, Education, and Welfare and the Commissioner of Education and shall perform specific functions as follows:

1. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;
2. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and listing of State agencies wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;
3. Review and advise the Commissioner of Education in the formation of all current and future policy relating to the matter of institutional eligibility;
4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes;
5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;
6. Review and recommend to the Commissioner of Education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;
7. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation and listing of State agencies in accordance with statutory provisions, Executive Orders, or interagency agreements;
8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;
9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of vocational training institutions which have no alternative route by which to establish eligibility for Federal funding programs;
10. Develop under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, in order to establish eligibility for Federal funding programs;
11. Maintain a continuous review of Office of Education administrative practice, procedures and judgments and advise the Commissioner of needed changes;
12. Keep within its purview the accreditation and approval process as it develops in all levels of education;
13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request.

14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions.
15. Not later than March 31 of each year, make an annual report of its activities, findings and recommendations.

STRUCTURE

The Committee shall consist of fifteen members, including the chairman, who shall be invited by the Secretary to serve three year terms subject to the continuation of the Committee. The Committee shall include persons knowledgeable of secondary and postsecondary education, representatives of the student/youth population, of professional associations, of State Departments of Education and of the general public.

Management and staff services shall be provided by the Director, Accreditation and Institutional Eligibility Staff, Bureau of Postsecondary Education, who shall serve as OE Delegate to the Committee.

MEETINGS

The Committee shall meet not less than twice each year at the call of the Chairman with the advanced approval of the Commissioner of Education or his designee. The Commissioner or his designee shall approve the agenda for each meeting. Meetings shall be open to the public except as may be determined otherwise by the Secretary; public notice shall be made of all committee meetings.

Meetings shall be conducted, and reports of proceedings kept, as required by the Federal Advisory Committee Act (P.L. 92-463), by 20 USC 1233e (Section 446(b) of the General Education Provisions Act (P.L. 91-230), and by applicable Department regulations. A Government official shall be present at all meetings.

COMPENSATION

Members of the Committee who are not fulltime employees of the Government shall be entitled to receive compensation at a rate of $100 per day plus per diem and travel expenses in accordance with Standard Government Travel Regulations.

ANNUAL COST ESTIMATES

Estimated annual cost for operating the Committee, including compensation and travel expenses, but excluding staff support is $25,000. Estimate of annual manyears of staff support required is 1 at an annual cost of $15,000.

REPORTS

The Committee shall, not later than March 31 of each year, make an annual report to the Congress which shall be submitted with the Commissioner's Annual Report. The Committee's annual report shall also be transmitted to the Secretary through the Commissioner and the Assistant Secretary for Education. Copies of the Annual report shall be sent to the Department Committee Management Officer, the Office of Education Committee Management Officer and the Office of Education Committee Delegate. The Annual Report shall contain as a minimum a list of members and their business addresses, the Committee's functions, a list of dates and places of meetings, and a summary of activities, findings and recommendations made during the year.

DURATION

The Accreditation and Institutional Eligibility Advisory Committee will terminate two years from the date of its establishment unless extension beyond that date is requested and approved by the Secretary.

APPENDIX C

Literature Distributed to Conference Participants and Observers

Accreditation and the Education Consumer, address by T. H. Bell, U.S. Commissioner of Education, before the Annual Meeting of the Middle States Association of Colleges and Secondary Schools, December 6, 1974

AIES Information Memorandum to Recognized Accrediting and State Approval Agencies

Accreditation and Institutional Eligibility Staff Tabulation of Institutions Eligible for the Guaranteed Student Loan Program, April 14, 1975

Can Accreditation Prevent Educational Malpractice? Review of *Private Accreditation and Public Eligibility*, by Harold Orlans, N. Jean Levin, Elizabeth K. Bauer, and George E. Arnstein, by James D. Koerner, in the *Chronicle of Higher Education*

Eligibility Provisions of the Higher Education Act of 1965, as Amended

Governmental and Non-governmental Agencies Utilizing Information about the Accredited Status of Institutions and Programs, April 1975

Institutional Eligibility and Consumer Abuses: A Status Report and Summary of 1974 Activities, Including a Report on the "Boston Globe" Series on Proprietary Vocational Schools and the System for Monitoring Consumer Abuses: Findings and Recommendations, January 28, 1975. A report prepared by Ronald Pugsley and Joseph Hardman of the AIE Staff

It's Time to Protect Education Consumers Too, address by T. H. Bell, U.S. Commissioner of Education, at the annual spring meeting of Statewide Higher Education Executive Officers, April 24, 1975

List of Nationally Recognized Accrediting Agencies and Associations, January 1975

List of State Agencies Recognized for the Approval of Public Postsecondary Vocational Education and State Agencies Recognized for the Approval of Nurse Education, August 1974

Private Accreditation and Public Eligibility, by Harold Orlans, N. Jean Levin, Elizabeth K. Bauer, and George E. Arnstein, October 1974

Protecting the Consumers of Education, article by Eric Wentworth in the April 3, 1975, issue of the *Washington Post*

Reducing Abuses in Proprietary Vocational Education, Twenty-seventh Report by the Committee on Government Operations, December 30, 1974

Responsibility Delegated to the U.S. Commissioner of Education under Statutory Requirements Relating to Institutional Academic Eligibility, September, 1974 (two documents, one a single page list of statutes, the other a three-page list elaborating upon each statute)

Statement by S. W. Herrell, Acting Deputy Commissioner, Bureau of Postsecondary Education, U.S. Office of Education, before the Subcommittee on Education, Committee on Labor and Public Welfare, United States Senate, September 12, 1974

Statement by T. H. Bell, U.S. Commissioner of Education, *Concerning the Proposed Trade Regulation Rule of the Federal Trade Commission on Advertising, Disclosure, Cooling Off and Refund Requirements Concerning Proprietary Vocational and Home Study Schools*, delivered before the Federal Trade Commission, December 16, 1974

Toward a Federal Strategy for Protection of the Consumer of Education, A Report from the Subcommittee on Educational Consumer Protection to the Federal Interagency Committee on Education, December 18, 1974

Working Paper on Congress' Power to Rely upon Determinations of Private Accrediting Agencies as Basis of Eligibility for Federal Educational Assistance, by the Office of the General Counsel, Department of Health, Education, and Welfare, June 1970

Membership List of the Advisory Committee on Accreditation and Institutional Eligibility

Items distributed at the Conference which are now part of these *Proceedings* are not listed.

For information on how to obtain copies of these documents, contact the AIE Staff, Bureau of Postsecondary Education, U.S. Office of Education, Washington, D.C. 20202

APPENDIX D

Conference Participants

Chairman

PETER P. MUIRHEAD, The George Washington University ERIC Clearinghouse of Higher Education

Guest Speakers

T. H. BELL, U.S. Commissiooner of Education

CARL D. PERKINS, Chairman, Committee on Education and Labor, House of Representatives

Participants

A. D. ALBRIGHT, Executive Director, Kentucky Council on Public Higher Education

ROBERT ANDRINGA, Minority Staff Director, Committee on Education and Labor, House of Representatives

JOHN E. BARROWS, Director of Institutional Studies, University of Kentucky

JAMES F. BEMIS, Executive Director, Commission on Higher Schools, Northwest Association of Schools and Colleges

ARTHUR A. BINNIE, State Director of Vocational Education, State of Washington

RICHARD J. BRADLEY, Executive Director, New England Association of Schools and Colleges

HERMAN R. BRANSON, President, Lincoln University

JOHN ANTHONY BROWN, President, Muskingum College

ROMA BROWN, Chairperson, Department of Medical Technology, University of Pennsylvania

JOHN E. CANTELON, Vice President of Undergraduate Studies, University of Southern California

EDWARD T. CARR, Director, Division of Academic Program Review, New York State Department of Education

BOB E. CHILDERS, Executive Secretary, Commission on Occupational Education Institutions, Southern Association of Colleges and Schools

JOSEPH A. CLARK, Executive Director, Indiana Private School Accrediting Commission

R. ORIN CORNETT, Vice President, Gallaudet College

FRANK G. DICKEY, Provost, University of North Carolina at Charlotte

PAUL L. DRESSEL, Assistant Provost for Institutional Research, Michigan State University

REV. E. J. DRUMMOND, S.J., Executive Vice President, St. Louis University

JOHN R. EDWARDS, President, Cochise College

BERNARD H. EHRLICH, Attorney-at-Law, Washington, D.C.

LLOYD H. ELLIOTT, President, The George Washington University

ABRAHAM S. FISCHLER, President, Nova University

MILES MARK FISHER, IV, Executive Secretary, National Association for Equal Opportunity in Higher Education

RICHARD A. FULTON, General Counsel, Association of Independent Colleges and Schools

GREGORY FUSCO, Professional Staff Member, Subcommittee on Education, Committee on Labor and Public Welfare, United States Senate

WILLIAM GAUL, Associate General Counsel, Committee on Education and Labor, House of Representatives

THOMAS J. GINLEY, Secretary, Commission on Accreditation of Dental and Dental Auxiliary Programs, American Dental Association

WILLIAM A. GODDARD, Secretary, Accrediting Commission, National Association of Trade and Technical Schools

SAMUEL B. GOULD, Chairman, Council for Progress of Non-traditional Study

GEORGE L. GRASSMUCK, Professor of Political Science, University of Michigan, and Chairman, AIE Advisory Committee

PHILIP E. GREENMAN, College of Osteopathic Medicine, Michigan State University

JAMES W. HALL, President, State University of New York, Empire State College

DANA B. HAMEL, Chancellor, Virginia Community College System

NORMAN C. HARRIS, Professor of Higher Education, University of Michigan

JOHN RHODES HAVERTY, President, Association of Schools of Allied Health Professions

F. JACK HENDERSON, JR., President, Edmonson College of Business

WILLIAM A. HUNTER, Director, Research Institute for Studies in Education, Iowa State University

VICTOR HURST, Vice President for Academic Affairs and Dean, Clemson University

WILLIAM W. JELLEMA, President, Wartburg College

JOHN M. LESLIE, Director, Special Occupational Services, New York State Department of Education

RICHARD LODGE, Executive Director, Council on Social Work Education

ELIZABETH McCORMACK, Rockefeller Brothers Fund, Inc.

DOROTHY McMULLAN, Director, Division of Nursing, National League for Nursing

THURSTON E. MANNING, Director, Commission on Institutions of Higher Education, North Central Association of Colleges and Schools

SAMUEL P. MARTIN, Department of Community Medicine, University of Pennsylvania

RICHARD M. MILLARD, Director, Higher Education Services, Education Commission of the States

N. EDD MILLER, President, University of Maine, Portland-Gorham

LAYTON OLSON, Project Director, National Student Education Fund

HAROLD ORLANS, National Academy of Public Administration

WENDELL H. PIERCE, Executive Director, Education Commission of the States

FRED O. PINKHAM, Education Consultant

CLAUDE E. PUFFER, Professor Emeritus, State University of New York, Buffalo

GEORGE L. RAMEY, Director, Mayo State Vocational-Technical School, Paintsville, Kentucky

BENJAMIN F. REEVES, Assistant to the Chairman and Assistant Clerk, Committee on Education and Labor, House of Representatives

LEONARD W. RICE, President, Oregon College of Education

LEE RICHARDSON, Department of marketing, Louisiana State University

FELIX C. ROBB, Director, Southern Association of Colleges and Schools

THOMAS W. STRICKLAND, Administrator, Technical and health Occupations Education, Florida Department of Education

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